

Town of Brunswick, Maine

TOWN COUNCIL

Agenda

February 17, 2026

Regular Meeting 6:30 P.M.

Town Hall - Council Chambers

85 Union Street, Brunswick, Maine

The public can view the meeting in the following ways:

- In-Person: Town Hall, 85 Union Street
- Television: TV3 (Channel 3 on Comcast)
- Live Stream: <http://tv3hd.brunswickme.org/CablecastPublicSite/watch/1?channel=1>
- ZOOM: <https://us02web.zoom.us/j/86437839081?pwd=8ayySVagKb6Yb2f5FUouCRS02nuVtz.1>

The Zoom attendance option is provided as a convenience to the public; however, due to technical issues or breaches of protocol, it may not always be available. If you want to ensure your comments are heard, you are advised to submit them in writing and/or attend the meeting in person.

1. Agenda 2.17.26

Documents:

[FEBRUARY 17, 2026.PDF](#)

2. Manager's Report

Documents:

[2.17.26 MANAGERS REPORT.PDF](#)

3. 12. Public Hearing Miscellaneous Text Amendments

Documents:

[12. PUBLIC HEARING MISC ZONING AMENDMENTS.PDF](#)

4. 13.CDBG Grant For Blueberry Fields Cooperative

Documents:

[13. CDBG GRANT APPLICATION.PDF](#)

5. 14. Set Public Hearing Off Premise Signage

Documents:

[14. SET PUBLIC HEARING OFF-PREMISIS SIGNAGE ZONING.PDF](#)

6. 15. LD1829 Resolution

Documents:

[15. LD1829 RESOLUTION.PDF](#)

7. 16. Shellfish Licenses Recommendation

Documents:

[16. SHELLFISH LICENSES RECOMMENDATION.PDF](#)

8. Consent Agenda

Documents:

[02.17.26 CONSENT AGENDA.PDF](#)

Town of Brunswick, Maine

TOWN COUNCIL

Agenda

February 17, 2026

Regular Meeting 6:30 P.M.

Town Hall - Council Chambers

85 Union Street, Brunswick, Maine

The public can view the meeting in the following ways:

- In-Person: Town Hall, 85 Union Street
- Television: TV3 (Channel 3 on Comcast)
- Live Stream: <http://tv3hd.brunswickme.org/CablecastPublicSite/watch/1?channel=1>
- ZOOM: <https://us02web.zoom.us/j/86437839081?pwd=8ayySVagKb6Yb2f5FUouCRS02nuVtz.1>
The Zoom attendance option is provided as a convenience to the public; however, due to technical issues or breaches of protocol, it may not always be available. If you want to ensure your comments are heard, you are advised to submit them in writing and/or attend the meeting in person.

Conflict of Interest Policy

Councilors shall declare potential conflicts at the start of the meeting or prior to any item.

Roll Call of Members/Acknowledgement Notice

Pledge of Allegiance

Adjustments to Agenda

Public Comments/Announcements:

- Non-Agenda items only
- Three minutes per speaker
- 30 Minutes for this session
- Follow Code of Conduct

MANAGER'S REPORT

- a) Financial Reports
- b) Bridge Remembrance Project
- c) Hawthorne School Redevelopment Task Force Update
- d) Budget/Capital Improvement Program (CIP)
- e) Passing of Stan Gerzofsky

PUBLIC HEARINGS

12. The Town Council will hear public comments to adopt zoning amendments related to minimum height requirements (Table 4.2.3), off-street parking along Maine Street frontages in the GM6 district (Sec. 4.9.1.C), façade materials allowed in Village Review Overlay (Sec. 5.2.8.C), and the continuance period for nonconforming uses (Sec. 1.6.3.A) and will take any appropriate action. (Principal Planner)

HEARING/ACTION

NEW BUSINESS

13. The Town Council will consider setting a public hearing for Monday, March 2, 2026, to approve a Community Development Block Grant, Public Infrastructure Fund (CDBG PI) application for \$1,000,000 to support the construction of sewer lines to Blueberry Fields Cooperative (BFC) and will take any appropriate action. (Economic Development Director)
ACTION
14. The Town Council will consider setting a public hearing for Monday, March 2, 2026, to adopt zoning text amendments to Appendix A, Section 4.13 related to off-premises business directory signage and will take any appropriate action. (Principal Planner)
ACTION
15. The Town Council will consider a “Resolution regarding LD 1829: An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density” and will take any appropriate action. (Planning & Development Director)
ACTION
16. The Town Council will consider establishing the number of 2026-2027 shellfish licenses in accordance with Chapter 11 Marine Activities, Structures and Ways, Section 140 – Issuance of Annual Limits on Licenses and will take any appropriate action. (Shellfish Committee)
ACTION

CONSENT AGENDA

- a) Minutes of February 2, 2026
- b) Special Amusement for Brunswick Golf Club, 165 River Road
- c) Appointment of Voter Registration Appeals Board

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION
SHOULD CONTACT THE TOWN MANAGER'S OFFICE AT 207-725-6659 (TDD 207-725-5521)**

Brunswick Town Council: towncouncil@brunswickme.gov

* Download a complete agenda packet at <https://www.brunswickme.gov/agendacenter>

** Sign up to receive agenda notifications via email/text at <https://www.brunswickme.gov/list.aspx>

**Brunswick Town Council
Council Agenda
February 17, 2026
Council Notes and Suggested Motions**

MANAGER'S REPORT

A memo and back up material are attached to the packet.

PUBLIC HEARINGS

12. **Notes:** Staff propose several zoning ordinance amendments that address minimum height requirements in GM6, GM7, and GR1; restrictions on off-street parking along Maine Street in the GM6 district; flexibility in façade materials within the Village Review Overlay; and a reduction of the discontinuance period for nonconforming uses from 36 to 24 months. The Planning Board unanimously found that the proposed amendments are compatible with the Town's Comprehensive Plan. A staff memo, copies of all draft amendments and a map are included in the packet.

Option for the Council if they choose to vote this evening - suggested motion: Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested motion:

Motion to adopted zoning amendments related to minimum height requirements (Table 4.2.3), off-street parking along Maine Street frontages in the GM6 district (Sec. 4.9.1.C), façade materials allowed in Village Review Overlay (Sec. 5.2.8.C), and the continuance period for nonconforming uses (Sec. 1.6.3.A).

NEW BUSINESS

13. **Notes:** In 2024, the Town supported Blueberry Fields Cooperative (BFC) to have resident ownership and long-term affordability at Linnhaven Mobile Home Park. BFC serves 304 residents through 266 septic systems, most dating to the 1950s and beyond their expected lifespan, posing risks to public health and Maquoit Bay. The Town, in coordination with the Brunswick Sewer District and the Environmental Protection Agency, is pursuing funding to help connect BFC to the sewer line on Maquoit Road, including a \$1,000,000 Community Development Block Grant–Public Infrastructure application due March 13, 2026, which requires no Town match but does require a public hearing. A staff memo, Executive Summary, and a map are included in the packet.

Suggested motion:

Motion to set a public hearing for Monday, March 2, 2026, to approve a Community Development Block Grant, Public Infrastructure Fund (CDBG PI) application for \$1,000,000 to support the construction of sewer lines to Blueberry Fields Cooperative (BFC).

14. **Notes:** Staff are proposing zoning ordinance amendments to allow limited off-premises business directory signage in locations such as industrial parks, where multiple businesses lack frontage on commercial corridors. While off-premises signs are generally prohibited to reduce visual clutter and driver distraction, consolidated directory signage could improve wayfinding and reduce the need for larger signs on building facades. The Planning Board

reviewed the proposal at a January 27 workshop and was generally supportive; a public hearing is scheduled for February 10. The draft amendments clarify that off-premises business directory signs would be subject to the same size and height standards as multi-tenant signs and are intended to support local businesses while maintaining orderly signage consistent with the Comprehensive Plan. A staff memo and draft zoning amendment are in the packet

Suggested motion:

Motion to set a public hearing for Monday, March 2, 2026, to adopt zoning text amendments to Appendix A, Section 4.13 related to off-premises business directory signage.

15. **Notes:** In response to LD 1829, a state omnibus housing bill enacted in June 2025, staff are presenting a draft resolution for Council consideration. While the Town supports efforts to increase housing supply, LD 1829 raises concerns regarding infrastructure capacity and funding, limitations on local growth management tools, increased administrative burdens, restrictions on impact fees, and impacts on locally adopted comprehensive plans and home rule authority. If adopted, the resolution would be shared with the Legislature as part of a coalition of southern Maine communities seeking corrective legislative action and additional state support. A staff memo, draft resolution and a copy of LD1829 are included in the packet.

Suggested motion:

Motion to adopt a “Resolution regarding LD 1829: An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Housing Density”.

16. **Notes:** The process for setting license numbers, outlined in Chapter 11, Section 140, is based on harvestable stock, average daily harvest, and annual harvest days. The Shellfish Committee reviewed data and recommended the following for the 2026-27 licensing year:
- 68 Commercial licenses (60 resident, 7 nonresident, 1 bushel)
 - 9 Student licenses (8 resident, 1 nonresident, two-bushel limit)
 - 2 Student Apprentice licenses (1 resident, 1 nonresident)
 - Unlimited recreational licenses (10% for nonresidents)
 - Unlimited day licenses (no residency restrictions)

Last year’s numbers:

- 68 Commercial licenses (60 resident, 7 nonresident, 1 bushel)
- 10 Student licenses (9 resident, 1 nonresident, two-bushel limit)
- Unlimited recreational licenses (10% for nonresidents)
- Unlimited day licenses (no residency restrictions)

A memo from Clerk Smith, Chapter 11, Section 140, and a memo from the Coastal Resources Manager are in the packet.

Suggested motion:

Motion to approve the recommended following items for the 2026-27 licensing year:

- 68 Commercial licenses (60 resident, 7 nonresident, 1 Bushel)
- 9 Student licenses (8 resident, 1 nonresident, two-bushel limit)
- 2 Student Apprentice licenses (1 resident, 1 nonresident)
- Unlimited recreational licenses (10% for nonresidents)

- Unlimited day licenses (no residency restrictions)

CONSENT AGENDA

- a) **Approval of minutes from February 2, 2026:** A copy of the minutes are included in your packet.
- b) **Renewal Special Amusement License for Brunswick Golf Club, 165 River Road. -**
Application is in the packet. Staff recommend this license.
- c) **Appointment of Board of Registration Appeals:** A requirement of state election law is for the municipal officer to appoint a three-member Voter Registration Appeals Board, made up with nominations from the local Democrat and Republican Parties, along with a third member nominated by the Town Clerk. The nominations are Chris Thacker (R), Sandy Updegraph (D), and Elin Gould (Town Clerk's nomination).

Suggested motion

Motion to approve the Consent Agenda.

Suggested motion:

Motion to adjourn the meeting.

Town of Brunswick, Maine

Manager's Report

Back- up
materials

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: Julia Henze, Town Manager

DATE: February 10, 2026

SUBJECT: Town Manager's Report
February 17, 2026 – Town Council Meeting

Financial Reports – January 2026 (a)

The summary revenue and expenditure budget reports are attached here, reflecting 2025-26 activity through January 31, 2026. Excise Tax collected was just slightly lower than January last year (by \$2,115) but above budgeted for the month by \$52,281, currently above YTD budgeted by 391,476. State Revenue Sharing in January was slightly higher than January 2025 (by \$8,307), but lower than budgeted for January by \$79,127, and continues to track below the anticipated YTD budget as of January by a total of \$575,495. We will continue to watch this revenue in relation to other revenues and expenditures.

On the expenditure report, total expenditures recorded in January are in line with expectation. As expected with the weather since mid December, Public Works overtime for is approximately \$45,000 over the same period as last year, with 90% of the budget expended as of today. As a reminder, the budget is based on a typical year, and it is not unusual for expenditures to be under or over budget on this line. We will continue to keep an eye on the Public Works budget.

Bridge Remembrance Project (b)

Now that the new bridge between Brunswick and Topsham is officially open, the historic Frank J. Wood Bridge is being demolished. To commemorate the old bridge, Brunswick Public Art (BPA) has been working to secure parts of the bridge for use in a public art sculpture. Sarah Brayman, BPA President, is here to share the process in selecting an artist and a site for the future installation.

Hawthorne School Redevelopment Task Force Update (c)

The Hawthorne School Redevelopment Task Force has been meeting monthly since last October to establish and execute a redevelopment process for the former school building located at 46 Federal Street. A significant aspect of this process is community outreach, and the Task Force will host two upcoming events for the public. The first is an informational neighborhood meeting on Thursday, February 19, at 6:00 PM at Town Hall, and will be followed up by an open house at the Hawthorne School building on Saturday, February 21, from 9:00-11:00 AM. A community survey is also available for the public to provide input on the types of redevelopment that the Town should consider: <https://arcg.is/1mKCjG4>

Budget/Capital Improvement Program (CIP) (d)

The 2027-2031 CIP Draft #1 is posted on the Town's website here: <https://brunswickme.gov/161/Capital-Improvement-Program>. The next CIP workshop is scheduled for Monday, February 23, 2026, and will

include Draft #2. Budget/CIP workshops are scheduled to begin in March.

Passing of Stan Gerzofsky (d)

Former Maine State Senator Stan Gerzofsky passed away on January 21, 2026. The Town would like to acknowledge the substantial and lasting impact that Stan had on the community. He first served in the Maine House of Representatives, representing Brunswick, from 2000-2008, and then later in the state Senate from 2008-2016. Stan was instrumental in the redevelopment efforts at Brunswick Landing where he served on the Board of Trustees of the Midcoast Regional Redevelopment Authority (MRRA).

Attachments:

January 2026 General Fund Budget Reports
2026-27 Budget and 2027-2031 CIP Workshop Schedule

JANUARY 2026 EXPENDITURE REPORT

FOR 2026 07

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
00 Trans to Other Funds	4,328,623	6,596,143	8,596,143.00	2,000,000.00	.00	-2,000,000.00	130.3%
10 General Government	7,256,468	7,479,483	3,890,790.94	431,591.85	245,679.86	3,343,011.79	55.3%
20 Public Safety	15,020,596	15,040,128	8,611,192.25	1,447,816.21	65,815.49	6,363,120.63	57.7%
30 Public Works	6,893,458	6,912,103	3,463,211.97	757,385.84	597,122.77	2,851,768.51	58.7%
40 Human Services	601,691	601,691	258,172.08	32,870.81	3,314.10	340,204.82	43.5%
45 Education	57,709,853	57,709,853	28,252,056.48	4,390,401.39	.00	29,457,796.52	49.0%
50 Recreation and Culture	5,095,427	5,164,991	2,937,955.05	420,515.33	68,900.22	2,158,135.35	58.2%
60 Intergovernmental	2,181,757	2,181,757	2,181,757.00	.00	.00	.00	100.0%
70 Unclassified	1,084,140	1,084,140	303,824.76	22,413.87	3,200.00	777,115.24	28.3%
80 Debt Service	1,794,565	1,794,565	1,602,314.09	.00	.00	192,250.91	89.3%
GRAND TOTAL	101,966,578	104,564,854	60,097,417.62	9,502,995.30	984,032.44	43,483,403.77	58.4%
** END OF REPORT - Generated by Derryen Plante **							

JANUARY 2026 REVENUE REPORT

FOR 2026 07

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes	66,973,869	66,973,869	65,686,368.30	360,091.16	1,287,500.70	98.1%
20 Licenses & Fees	586,716	586,716	490,794.34	47,105.19	95,921.66	83.7%
30 Intergovernmental	24,084,703	24,084,703	13,739,956.49	588,125.07	10,344,746.51	57.0%
40 Charges for services	2,236,785	2,236,785	1,479,471.21	158,272.50	757,313.79	66.1%
50 Fines & Penalties	50,235	50,235	40,288.20	9,578.00	9,946.80	80.2%
60 Interest earned	1,500,000	1,500,000	1,003,758.21	159,820.27	496,241.79	66.9%
70 Donations	25,000	25,000	.00	.00	25,000.00	.0%
80 Use of fund balance	4,670,000	6,937,520	.00	.00	6,937,520.00	.0%
90 Other	1,839,270	1,839,270	1,581,541.22	1,210.08	257,728.78	86.0%
GRAND TOTAL	101,966,578	104,234,098	84,022,177.97	1,324,202.27	20,211,920.03	80.6%

** END OF REPORT - Generated by Derryen Plante **

Town of Brunswick
2026-27 Budget and 2027-2031 CIP
Town Council Meeting Calendar

DATE	DAY	TIME	ACTION	COMMENTS
2/23/2026	Mon	6:30 PM	CIP Workshop	2027-2031 CIP DRAFT #1
3/9/2026	Mon	6:30 PM	Council Workshop	Council Budget/CIP Workshop; Mgr's prelim budget
3/23/2026	Mon	6:30 PM	Council Workshop	Council Budget/CIP Workshop;
3/30/2026	Mon	6:30 PM	Council Workshop	Council Budget/CIP Workshop;
4/9/2026	Thu	6:30 PM	Council Workshop and Special Council Meeting (set Public Hearing)	Council Budget/CIP Workshop & Meeting; Receive Mgr's budget Set Budget/CIP Public Hearing
4/13/2026	Mon	6:30 PM	Council Workshop	Council Budget/CIP Workshop School Dept Presentation
4/23/2026	Thu	6:30 PM	Special Council Meeting (Public Hearing)	Budget & CIP Public Hearing - Charter Sec 502
4/27/2026	Mon	6:30 PM	Council Workshop	Council Budget/CIP Workshop
4/29/2026	Wed	6:30 PM	Council Workshop	Council Budget/CIP Workshop
5/6/2026	Wed	6:30 PM	OPTIONAL Council Workshop	Council Budget/CIP Workshop
5/11/2026	Mon	6:30 PM	Special Council Meeting (Budget & CIP Adoption)	Budget & CIP Adoption - 10 or More Days after Public Hearing; within 45 days of Referendum
6/9/2026	Tue	8:00 AM	Election	School Budget Referendum - 20-A MRSA 1486

Town of Brunswick, Maine

Item 12

Back up
materials

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Town Council
Julia Henze, Town Manager

FROM: Julie Erdman, Director of Planning & Development
Jimmy Dealaman, Principal Planner

DATE: February 6, 2026

SUBJECT: Miscellaneous Zoning Text Amendments

I. INTRODUCTION

Starting the new year, staff continue to assemble and draft potential updates to the zoning ordinance. Some of the more immediate and concise amendments staff are recommending include the following topics:

- Minimum Height Requirements (in GM6-7)
- Off-street Parking along Maine Street Frontages in GM6
- Façade Materials Allowed in Village Review Overlay
- Continuance Period for Nonconforming Uses

Staff are forwarding the attached zoning amendments (Attachments 1-4) to the Town Council and are requesting that a public hearing date be scheduled.

II. SUMMARY & BACKGROUND INFORMATION

Minimum Height Requirements in GR-1, GM6, and GM7 (Attachment 1):

Currently, the Growth Mixed Use (GM) 6 and 7 and Growth Residential 1 (GR1) zoning districts require a minimum height of 24¹ feet. Given the varying height of existing structures in the GM7 district and the wide range of uses, staff recommend adding additional flexibility for allowing minimum height to be determined based on average building height, as well as excluding certain structures from factoring into this calculation including: existing buildings, utility substations, accessory² buildings, and similar structures or building components, which could be of a lesser height. Because the GR1 district is immediately adjacent to GM7 at Brunswick Landing, staff recommend applying the same methodology in GR1 for consistency. In all three districts, exemptions are provided to clarify that certain architectural features, such as porches and porticos, are not subject to the minimum height requirement and calculation. In the GM6, the entire building would be required to meet the minimum height, and the language requiring the standard to be met at the front lot line has been removed to clarify that the requirement applies to the entire building.

Off-street Parking along Maine Street Frontages in GM6 (Attachment 2):

Maine Street is a vibrant pedestrian corridor lined with an abundance of commercial uses oriented towards Maine Street. However, there are occasional locations where properties prioritize vehicle access and parking lots are located along Maine Street frontages with buildings set farther back from

¹ The GM6 district requires a minimum height on the front lot line only if development is increasing the floor area by 50 percent.

² Section 1.7.2 defines an Accessory Structure as “A detached subordinate structure located on the same lot as a principal building and used for purposes customarily incidental to those of the principal building or use” (i.e. conducted for the same primary use of the property).

the street. When this happens pedestrian walkability and active street engagement are negatively affected by various factors such as reduced visual interest, increased walking distances to building entrances, and disruption to the established rhythm of the street. While the GM6 zoning district includes a Build-to-Zone dimensional requirement (i.e. a required maximum building setback of 0-5 feet) on development to help improve this condition, future development could still incorporate accessory structured parking along the frontage, resulting in similar impacts to the pedestrian environment. To promote more walkable connections and support commercial-oriented, pedestrian-focused development, staff recommend an ordinance amendment that prohibits off-street parking within 20 feet of the edge of the public right-of-way along Maine Street. This requirement would apply in the GM6 to any development, or reconstruction of principal structure as well as upon redesign or substantial reconstruction of a parking area, to the extent reasonably practical, such as for specific utility or site constraints or loss of required parking spaces. Staff believe 20 feet is a reasonable depth to ensure future development supports pedestrian activity consistent with the character of the district.

At the February 2, Town Council meeting, staff were asked how the proposed zoning amendments would impact parking at the entrance to the Tontine Mall. Figure 1 shows a zoomed in detail of this area. The 20-foot area from the public right-of-way is highlighted yellow which crosses one handicap accessible off-street parking space at 149 Maine Street (Tontine Mall). In the event the mall is reconstructed, parking would be prohibited in this area. However, in the event of a redesign or substantial reconstruction of the parking area, where the affected space is necessary to satisfy the mall's required parking, the review authority (Planning Board or staff) may determine that compliance with the 20-foot parking setback is not reasonably practicable, and the parking may remain.



Figure 1: Detail Map of Approximate 20-Foot Area Along Maine Street Frontage (Highlighted in Yellow)

Façade Materials Allowed in Village Review Overlay (Attachment 3):

The Village Review Overlay design review standards for new construction, additions, and alterations to existing structures prohibit use of cinder block, concrete and concrete block on any portion of a structure that is visible from the building's exterior, except on the building's foundation. Because the Village Review Board (VRB) already reviews projects to ensure they are designed to enhance or

improve the structure's compatibility with nearby contributing resources staff believe this prohibition may unnecessarily limit the use of higher quality concrete-based materials that could be contextually appropriate. Given the VRB retains discretion over the materiality of structures, staff recommend allowing concrete-based products on exterior facades where the Board finds that the material closely resembles wood or stone in appearance thereby providing additional flexibility while providing oversight of the design.

Continuance Period for Nonconforming Uses (Attachment 4):

Outside of the APO, SPO, FPO, and WPO Districts, the Zoning Ordinance does not allow a nonconforming use to be re-established if it has been discontinued for a period of 36 months or more. This also applies to a nonconforming structure, site feature, and a structure housing a nonconforming use if it is destroyed, moved or damaged. This represents a relatively long continuance period compared to other communities, particularly given that many existing nonconforming uses were established under significantly older regulations that reflected different planning objectives and land-use priorities. Staff recommend reducing the discontinuance period from 36 months to 24 months so that nonconforming uses that have been inactive for an extended period are more promptly brought into alignment with current zoning standards and planning priorities.

III. CONSISTENCY WITH COMPREHENSIVE PLAN

In making its recommendation to the Town Council, the Planning Board will provide a recommendation whether the amendments are consistent with the Town's [Comprehensive Plan](#).

Staff have reviewed the proposed amendments and believe they are consistent with the following:

- [Action Strategy A.5](#) promotes using form-based code (FBC) in the growth area to regulate new desired development and [A.6](#) promotes using FBC to redevelop Brunswick Landing into a walkable Town Center, respectively. Minimum height is considered a tool of form-based zoning as it regulates the physical form, scale and relationship of buildings to the street. Prohibiting off-street parking along Maine Street is also form-based because it controls how the buildings actively relate to the public realm create walkable pedestrian-friendly character along the streetscape. The materiality of structures is also a common component of form-based codes as it relates to the physical form and character of the building and interaction with street and context-sensitive development.
- [Action Strategy A.4](#) supports updating the zoning ordinance to bring the code in line with the comprehensive plan. Because zoning amendments must be consistent with the Comprehensive Plan, reducing the continuance period for nonconforming uses will help ensure future development aligns with the current zoning ordinance and, by extension, a code informed by the Town's most recent Comprehensive Plan.

On January 27th the Planning Board unanimously found that the proposed amendments are compatible with the Town's Comprehensive Plan.

IV. REQUESTED ACTION

Staff request that the Town Council vote to adopt Zoning Ordinance Text Amendments proposed related to minimum height requirements (Table 4.2.3), off-street parking along Maine Street frontages in the GM6 district (Sec. 4.9.1.C), façade materials allowed in Village Review Overlay (Sec. 5.2.8.C), and the continuance period for nonconforming uses (Sec. 1.6.3.) and nonconforming structures (Sec. 1.6.4.).

V. ATTACHMENTS

- Attachment 1. Draft Amendments - Minimum Height Requirements (in GM6-7)
- Attachment 2. Draft Amendments - Off-street Parking along Maine Street Frontages in GM6
- Attachment 3. Draft Amendments - Façade Materials Allowed in Village Review Overlay
- Attachment 4. Draft Amendments - Continuance Period for Nonconforming Uses
- Attachment 5. Maine St in GM6 with 20-ft. Buffer from ROW

4.2.3. Growth Area Dimensional and Density Standards

Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts [Unless separate standards approved in Common Development Plan]																												
Stand	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN ^[2]	
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	, R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN	
Lot area, min. ^[22]		n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses								
Density, max. (dwelling units per acre of net site area <i>see definition</i>)		8	4	6 ^[3]	6	7	10	5	6	6	6	10	10	15	6	n/a	24	6	12	24 ^[4]	5 ^[5]	24	10	n/a	n/a	n/a	n/a	
Lot width, min. (feet)		40	65	75	75	65	65	65	65	65	60	65	75	60	75	n/a ^[12]	n/a	75	65	65	65	40	65	50	50	n/a	n/a	
Building frontage, min. (% of lot width)																75 ^[6]										n/a		
Building frontage, max. (% of lot width)																100 ^[7]										n/a		
Front setback, min. (feet) ^[8]		0	15	20	20	15	15	20	20	20	20	15	30	0	15	0 ^[12]	0	20	15 ^[19]	15	15	10	15 ^[19]	0	10	0	n/a	
Build-to Zone (feet) ^[8]													^[9]			0-5 ^[10]										n/a		
Rear setback, min. (feet)		0	20	20	20	20	15	20	20	20	20	20	30	15	15	0 ^[12]	0	30	15 ^[19]	15 ^[19]	15	10	15 ^[19]	20	20	20	n/a	
Side setback, min. (feet)		0	15	15	15	15	15	15	15	15	15	15	15	0	20	0 ^[12]	0	30	15 ^[19]	15 ^[19]	15	10	15 ^[19]	15	15	10	n/a	
Impervious surface coverage, max. (% of lot area)		45	35	35	35	35	50	35	35	35	75	50	60	80 ^[11]	70	100 ^[12]	100	50	60	50	50	50	50	80	80	10	^[2]	
Building height, min. (feet) ^[26]		24 ^[25]														24 ^[13]	24 ^[25]									n/a		
Building height, max. feet ^[14]		50	35	35	35	35	35	35	35	35	40	35	60	60	45	40 ^[15]	50	40	70 ^[20]	45	35	70	55	100	60	35	n/a	
Building footprint per structure, max. (1,000 square feet) ^[24]		20 ^[3]	5	5	5 ^[16, 19]	5 ^[19]	7.5	5	5	5	20	5	30 ^[21]	50 ^[18]	20 ^[23]	n/a ^[12]	n/a	25% of lot size	n/a	8.5	5 ^[17]	n/a	n/a	n/a	n/a	n/a	n/a	

Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts
[Unless separate standards approved in Common Development Plan]

Stand	Current Zone	1997 Zoning District
	GR1	R-R
	GR2 & 10	R1 & 8
	GR3	R2
	GR4	R3, 4, 5, 6
	GR5	R7
	GR6	TR1
	GR7	TR2
	GR8	TR3 & 4
	GR9	TR5
	GM1	MU2
	GM2	MU3 & 6
	GM3	MU4 I1, I-4
	GM4 ^[1]	MU1, CC
	GM5	HC1 & 2
	GM6	TC1, 2, 3
	GM7	, R-CMU
	GM8	MUOZ
	GC1	CU1 & 3
	GC2	CU5 & 6
	GC3	CU4 & 7
	GC4	CU/TC
	GC5	CU2
	GA	R-AR
	GI	I2, I3 & R-B&TI
	GO	R-R&OS
	GN ^[2]	BCN

NOTES:

- [1] All new, enlarged, or redeveloped buildings and additions in the GM4 District subject to Development Review shall also be consistent with the Cook's Corner Design Standards, unless such design standards are waived in accordance with Subsection 5.2.9.0 (Waiver Provisions).
- [2] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured as of the effective date of this Ordinance.
- [3] 1 du per 20,000 sf of net site area for developments using subsurface wastewater disposal systems.
- [4] Except that lands north of Bath Road shall be limited to 8 du/ac.
- [5] Except that parcel between South Street and Longfellow Avenue shall be limited to 10 du/ac.
- [6] Applicable only to the first floor of buildings along Maine Street. Does not apply to buildings on Park Row.
- [7] Does not apply to buildings on Park Row.
- [8] Front setback averaging applies; See Subsection 4.2.5.B(4)
- [9] See Cook's Corner Design Standards for maximum front setbacks applicable along Bath Rd., Gurnet Rd., proposed Perimeter Rd, Thomas Point Rd., and all public and private connector roads.
- [10] Applicable only to ~~the first floor of~~ buildings along Maine Street. For all other buildings in the GM6 District, the build-to zone is determined by the range of front setback of principal buildings on the nearest occupied lots on either side on the same block face. Does not apply to buildings on Park Row.
- [11] Limited to 50% impervious coverage and maximum building footprint of 20,000 sq. ft. north of Route 1.
- [12] Except that parcels fronting onto Park Row front setbacks shall be consistent with the established average front setback (see subsection 4.2.5.B (4)), shall have minimum side and rear setbacks of 15 feet in width; a minimum lot width of 60 feet; a maximum footprint of 7, 500 square feet and a maximum impervious coverage of 45%;
- [13] ~~Expansions that will increase floor area by 50% or more require minimum height to be met for the entire building. Minimum height is triggered if floor area is being increased by 50%, and must be met at front lot line.~~
- [14] Unless restricted to a lower height by Flight Path Overlay (FO) District regulations (see Subsection 2.3.7).
- [15] Except that lands north of U.S. Highway 1 shall have a maximum building height of 60 ft.
- [16] May be increased to up to 30,000 square feet for a community living facility as defined by 30-A M.R.S. § 4357-A, , as amended, with a Conditional Use Permit approved in accordance with Subsection 5.2.2 (Conditional Permits).
- [17] 10,000 square feet for multifamily dwellings, and 20,000 square feet for the Bowdoin College Edwards Center for Art and Dance building.
- [18] 300,000 square feet if the structure meets one of the conditions listed in Sub~~s~~ection 4.2.5.B(9).
- [19] See Subsection 4.2.5.B(4) for additional setback requirements.
- [20] See Subsection 4.2.5.B.(7) for additional height requirements..
- [21] No building footprint restriction shall apply for properties located south of Route 1, along Cressey Road and Columbus Drive.
- [22] See Subsection 4.2.5.F for minimum dimensional requirements for lots located within the Shoreland Protection Overlay.
- [23] Except that public safety municipal facilities shall have no maximum building footprint per structure.
- [24] Except that public school facilities shall have no maximum building footprint per structure.
- [25] ~~Minimum height shall be determined based on the average height of each building. Utility substations, accessory buildings, and similar structures or building components, where otherwise allowed, and buildings existing prior to January 1, 2026, may be of lesser height and shall be excluded from this calculation.~~
- [26] ~~Porches, porticos, and similar attached architectural features may be a lesser height and shall be excluded from the height calculation.~~

Sec. 4.9. Parking and Loading.

4.9.1. Minimum and Maximum Vehicle Parking Requirements.

- A. *General Standard.* A development shall provide adequate off-street parking and loading/unloading areas for motor vehicles and bicycles, or shall provide reasonable alternative parking.
- B. *Specific Standards.*
- (1) *Specific Standards: Minimum Number of Off-Street Vehicle Parking Spaces.* Except as otherwise provided in this Ordinance, new development shall provide the minimum number of off-street vehicle parking spaces in accordance with Table 4.9.1.A, based on the principal use(s) involved and the extent of development.

Table 4.9.1.A: Minimum Number of Off-Street Vehicle Parking Spaces		
Principal Use		Minimum Number of Vehicle Parking Spaces ^{1,2,3,4}
Residential Uses		
Household Living		
Dwelling, 1- or 2-family (includes all mobile homes; excludes accessory dwelling units)	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Dwelling, multifamily	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Group Living		
Assisted/Congregate Living Facility		1 per 3 beds
Boarding house		1 per guest room
Nursing home		1 per 5 beds
Residence hall		1 per 3 beds
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge		1 per 120 sf of assembly space
College		1 per 900 sf of academic space
Community center		1 per 300 sf
Day care facility, small		1 per 325 sf of licensed primary indoor space
Day care facility, large		
Hospital		1 per 3 inpatient beds
Library, museum, or art gallery		1 per 500 sf
Municipal facility		1 per 400 sf of office space + 1 per 600 sf of maintenance, distribution, or storage space
Park or conservation area		See Section 4.9.1.E
Religious institution		1 per 5 persons of maximum occupancy capacity in assembly space
School	High school	1 per classroom + 1 per 10 students
	Middle or elementary school	1 per classroom + 10 visitor spaces
Communication Uses		
Small-scale telecommunication tower		n/a
Telecommunication tower		1 space

<i>Commercial Uses</i>	
<i>Agriculture, Aquaculture, and Animal Care Uses</i>	
Aquaculture	See Section 4.9.1.E
Equestrian facility	1 per 5 stalls
Farm	n/a
Kennel	1 per 300 sf used for boarding
Plant nursery	1 per 1,000 sf of display area
Veterinary office	1 per 500 sf
<i>Food, Beverage, and Entertainment</i>	
Adult entertainment establishment	1 per 300 sf
Golf course	1 per 300 sf of indoor area + 1 per golf course hole
Recreation facility, as a principal use	See Section 4.9.1.E
Restaurant or dining facility	1 per 4 persons of maximum occupancy capacity of customer service area(s)
Theater	1 per 4 persons of maximum occupancy capacity of assembly space
<i>Lodging</i>	
Campground	1 per campsite + 1 space
Hotel	1 per guest room + 1 per 800 sf of assembly space
<i>Retail Sales and Services</i>	
Farmer's Market	1 per 400 sf of stall and vehicle space, and customer circulation area
Financial Institution	1 per 300 sf
Neighborhood store	1 per 300 sf
Office	1 per 400 sf
Office, Medical	1 per 200 sf
Retail, Class I	1 per 300 sf
Retail, Class II	1 per 300 sf
Service business, Class I	1 per 300 sf
Service business, Class II	1 per 300 sf
Studio	1 per 300 sf
<i>Transportation and Vehicle-Related Uses</i>	
Aviation operations	See Section 4.9.1.E
Aviation-related business	See Section 4.9.1.E
Bus or rail station	1 per 400 sf of passenger waiting area
Car wash	1 per 500 sf
Marina or boat storage	0.5 per boat slip or mooring
Parking facility, as a principal use	n/a
Ultra-light airport	See Section 4.9.1.E
Vehicle fueling station	n/a
Vehicle sales, rental, or storage	1 per 400 sf of indoor sales display area and office space
Vehicle service or repair	1 per 500 sf
<i>Industrial Uses</i>	
Contractor's space	1 per 200 sf of office space
Industry, Artisan	1 per 600 sf
Industry, Class I	1 per 1,000 sf

Industry, Class II	1 per 1,000 sf
Junkyard or automobile graveyard	1 per 1,000 sf of storage area
Marine activity	See Section 4.9.1.E
Mineral extraction	See Section 4.9.1.E
Recycling collection facility, as a principal use	3 per station
Renewable energy generating facility, as a principal use	See Section 4.9.1.E
Utility facility, major	See Section 4.9.1.E
Utility facility, minor	n/a
Warehousing and storage	1 per 2,500 sf

NOTES:

1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
2. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area.
3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the building or facility as established in accordance with the Brunswick Building Code.
4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), or the maximum enrollment (for students), or the fire-rated capacity (for residents), as appropriate.

C. ~~Exemptions~~ Special Provisions in the Growth Mixed-Use 6 (GM6) District.

(1) Off-street vehicle parking spaces are not required for a use in the GM6 District that:

- (i) Is located on a lot less than 10,000 square feet in size; or
- (ii) Is housed in an existing building with less than 10,000 square feet of gross floor area.

(2) There shall be no off-street vehicle parking located within 20 feet of the edge of the public right-of-way of Maine Street. Compliance with this provision shall be required notwithstanding any nonconforming status of a structure or use, and shall be implemented upon any reconstruction of the principal structure. Compliance shall also be required upon redesign or substantial reconstruction of the parking area, to the extent reasonably practical (e.g. utility or site constraints or loss of required parking spaces).

D. *Applicability to Existing Development Use Changes and Expansions.*

- (1) A change in the use of an existing development shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this Section for the existing use and the minimum number of spaces required by this Section for the new use.
- (2) If an existing structure or use is expanded in terms of the size unit used in this Section to determine the minimum number of off-street vehicle parking spaces required for the applicable use (e.g., dwelling units, floor area, seating capacity), such expansion shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number

of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

- E. *Uses with Variable Parking Demands.* Some uses have widely variable parking demand characteristics that make it difficult to establish a single appropriate minimum off-street vehicle parking standard. On receiving an application proposing such a use (as designated by reference to this Subsection in Table 4.9.1.A), the Director, in consultation with the Code Enforcement Officer, is authorized to apply a minimum requirement for a listed use deemed most similar to the proposed use, establish the minimum requirement by reference to a standard parking standards resource, or establish the minimum requirement based on a parking demand study prepared by the applicant using data from the Institute of Traffic Engineers (ITE) or other acceptable source.
- F. *Requirements for Developments with Multiple Uses.* Developments containing more than one (1) principal use shall provide vehicle parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This does not limit the opportunity to reduce the resulting minimum requirement through approval of an alternative parking plan justifying shared parking (see Subsection 4.9.4.A (Shared Parking)).
- G. *Maximum Number of Off-Street Vehicle Parking Spaces.* For Retail Class II uses with more than 50,000 square feet of gross floor area, the number of off-street vehicle parking spaces shall not exceed 125 percent of the minimum number of spaces required by this Section unless the additional spaces are located within a parking structure or are allowed through approval of an alternative parking plan pursuant to Subsection 4.9.4.C (Provision over the Maximum Allowed).
- H. *Accessible Parking Spaces.* Within each off-street vehicle parking area, a portion of the total number of parking spaces shall be spaces specially designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces") in accordance with the standards of the Americans with Disabilities Act.

4.9.2. Minimum Bicycle Parking Requirements.

- A. All parking areas containing ten (10) or more vehicle parking spaces shall provide bicycle parking facilities (e.g., bike racks/lockers) to accommodate the parking of at least two (2) bicycles for every ten (10) vehicle parking spaces required, provided that no more than 20 bicycle parking spaces shall be required in any one (1) parking lot.
- B. Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development's principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

4.9.3. Design, Construction and Maintenance of Parking Areas.

A. Location and Configuration.

- (1) Each parking area shall be designed with adequate access, turning radii and snow storage areas. Minimum dimensional standards shall apply as follows in Table 4.9.3:

Table 4.9.3: Minimum Parking Space Dimensional Standards				
Parking Angle (degree)	Stall Width (feet/inches)	Skew Width (feet/inches)	Stall Depth (feet/inches)	Aisle Width (feet/inches)
90	9'0"	0"	18'	24'0"
60	8'6"	10'5"	19'0"	16'0" (1-way)
45	8'6"	12'9"	17'5"	12'0" (1-way)
30	8'6"	17'0"	17'5"	12'0"

-
- (2) No parking area may be constructed within a required setback.
 - (3) Where practicable, in the GM6 District and Village Review Overlay Zone, off-street parking shall be located to the rear of the development's principal building and shall be accessed from a secondary street.
 - (4) In all Growth Mixed-Use (GM) and Growth College (GC) zoning districts, a maximum of one (1) row of off-street parking may be located in front of the principal building being served (but not within the required front yard).
 - (5) Parking lots shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.
 - (6) The Review Authority may waive the requirements of this Subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.
- B. *Landscaping.* The following landscaping standards shall apply to all surface parking areas other than those for single and two-family dwellings on a single lot.
- (1) *Perimeter Landscaping.*
 - a. Where a parking lot is within 50 feet of and visible from a street, other development (except another parking lot), or vacant property, perimeter landscaping shall be provided and maintained within a strip of land between the parking lot and the adjacent street right-of-way or easement or property line except where such strip is crossed by an authorized vehicular, bicycle, or pedestrian accessway, or utility easement.
 - b. The perimeter landscaping strip shall be at least the minimum width necessary to adequately accommodate the proposed plantings and other screening material and avoid damage to such materials by parked vehicles.
 - c. Perimeter landscaping shall consist of any combination of trees, evergreen shrubs, berms, walls, and fences that form a continuous solid/completely opaque screen not to exceed four (4) feet in height along the perimeter of the parking lot that is designed to screen the headlights of vehicles in the parking lot yet allow security surveillance of the parking lot from the adjacent street.
 - (2) *Interior Landscaping.*
 - a. Parking lots containing more than 30 parking spaces shall provide and maintain landscaped islands:
 - i. At the end of every row of parking spaces;
 - ii. Along a long row of parking, spaced no more than 20 parking spaces apart; and
 - iii. Between at least every three (3) parallel parking bays.
 - b. Islands shall be at least the minimum width necessary to adequately accommodate the proposed plantings and any proposed walkway through it and avoid damage to landscaping by parked vehicles.
 - c. Each landscaped island shall include at least one (1) shade tree, provided that understory trees may be substituted for canopy trees in areas beneath overhead utility lines.
- C. *Surfacing, Drainage, Lighting.*

-
- (1) Parking areas shall be constructed with a suitably durable surface that minimizes dust and is appropriate for the use of the land, with adequate drainage.
 - (2) Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and run-off. Oil traps may be required for larger paved parking lots.
 - (3) Parking areas shall be lighted in a manner that does not result in direct lighting to or glare to abutting residential properties or cause a traffic hazard due to glare.
- D. *Modification/Waiver of Design Requirements.* The Review Authority may waive or modify the design and construction standards in this subsection on finding that the total number of parking spaces required for the use cannot be accommodated in accordance with the standards, that the site layout prevents compliance with the standards, or that existing development on the site has been determined by the Code Enforcement Officer to be nonconforming with the standards.
- E. *Maintenance.* All parking lot areas shall be maintained pursuant to Section 4.15 (Maintenance).

4.9.4. *Parking Alternatives.*

The Review Authority may approve alternatives to complying with the requirements in Subsection 4.9.1 in accordance with the following standards.

A. *Shared Parking.*

- (1) The Review Authority may allow use of a common parking facility to meet the minimum parking requirements for multiple uses or uses on multiple lots on finding that the uses generate parking demands during different times, or have characteristics making it likely that a significant portion of people will use the same parking space to access the other uses sharing the parking facility.
- (2) Shared parking spaces shall be located within 1000 feet walking distance of the primary pedestrian entrance to all uses.
- (3) The Review Authority may require cross easements or other legally enforceable documents that ensure the participating uses or property owners the right to joint use of the parking facility as long as the shared spaces are needed to comply with this Ordinance. If the shared parking becomes unavailable to a participating use, the uses shall provide alternative means of meeting off-street parking requirements.

B. *Off-Site and Satellite Parking.*

- (1) The Review Authority may allow use of a parking facility located on one (1) lot to meet the minimum parking requirements for a use located on a separate lot.
- (2) The Review Authority may require legally enforceable documents that ensure that the served use has the right to use the off-site or satellite parking facility as long as the spaces are needed to comply with this Ordinance. If the off-site or satellite parking facility becomes unavailable to the served use, the use shall provide alternative means of meeting off-street parking requirements.

C. *Provision over the Maximum Allowed.* The Review Authority may allow the maximum parking requirement applicable to a development in accordance with Subsection 4.9.1.G to be exceeded on finding that the additional spaces are justified by a parking demand study demonstrating that they are necessary to adequately serve a development.

D. *Parking Requirement Reductions.* The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Subsection 4.9.1. To support a request for an additional reduction, the Review Authority may require a parking demand study showing reduce transportation and vehicle parking demand due to the location, characteristics, or committed operations of the

particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

4.9.5. Minimum Off-Street Loading Requirements.

A. Minimum Number of Off-Street Loading Spaces.

- (1) *General Standard.* New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner.
- (2) *Specific Standards.*
 - a. Table 4.9.5.A(2) below sets forth the minimum number of off-street loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the principal use and size of the development. It is assumed that the needs of small delivery/shipping trucks can be met through the temporary use of vehicle parking spaces or accessways, without impeding use of adjacent driveways or fire lanes.
 - b. The Review Authority may require a higher or lower number of off-street loading spaces based on a finding that the characteristics of the particular development warrant such an increase or decrease, and that the general standard in Subsection (1) above is met.

Table 4.9.5.A(2): Minimum Number of Off-Street Loading Spaces		
Gross Floor Area (GFA)	Medium-Sized Truck	Large-Sized Truck
<i>Public, Civic, and Institutional Uses and Office Uses¹</i>		
Up to 10,000 sf	0	0
10,001 to 50,000 sf	1	0
Over 50,000 sf ²	2	0
<i>Commercial Uses Other than Office Uses¹</i>		
Up to 20,000 sf	0	1
20,001 to 50,000 sf	1	1
50,001 to 100,000 sf	1	2
100,001 to 200,000 sf	2	2
Over 200,000 ²	3	2
<i>Industrial Uses</i>		
Up to 5,000 sf	0	0
5,001 to 10,000 sf	1	0
10,001 to 50,000 sf	0	1
50,001 to 100,000 sf	0	2
Over 100,00 sf ²	0	3

NOTES:

1. For mixed-use developments, gross floor area devoted to residential uses is excluded.
2. Additional spaces may be required based on development-specific assessment relative to size.
- B. *Exemptions in Growth Mixed-Use District 6 (GM6).* Off-street loading spaces are not required for a nonresidential use in the GM6 District that:
 - (1) Is located on a lot less than 10,000 square feet in size; or
 - (2) Is housed in an existing building with less than 10,000 square feet of gross floor area.
- C. *Applicability to Existing Development Expansions.* If the gross floor area of an existing structure is expanded, such expansion shall be accompanied by the provision of any additional off-street loading needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this Section for the expanded development.
- D. *Design and Use of Off-Street Loading Areas.*
 - (1) Each loading space shall be of sufficient size to accommodate the types of vehicles likely to use it.
 - a. The minimum loading space that presumptively satisfies loading space needs of a medium-size truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.
 - b. The minimum loading space that presumptively satisfies loading space needs of a large-size truck is at least 12 feet wide and 75 feet long, and has at least 14 feet of vertical clearance.
 - c. The Review Authority may require larger or smaller loading spaces on finding that the characteristics of the particular development warrant the variation, and the general standard in Subsection (1) above is met.
 - (2) Where practicable, off-street loading areas shall be located to the rear of the principal building(s) it serves.
 - (3) Loading areas shall be located and designed so vehicles can maneuver safely and conveniently to the loading space(s) and complete loading/unloading without interfering with vehicular, bicycle, or pedestrian traffic or use on streets, bike lanes, crosswalks, and parking areas.
 - (4) Off-street loading areas shall be located and designed to screen and otherwise mitigate their potential adverse visual and noise impacts on adjacent streets and properties by any combination of buildings, walls or fences, or dense continuous hedge.

Sec. 5.2. Specific Procedures.

5.2.8. Village Review Overlay Design Review.

C. Review Standards.

(1) General Standard.

- a. All Certificates of Appropriateness for new construction, additions, alterations, relocations or demolition shall be in accordance with applicable requirements of this Ordinance.
- b. In meeting the standards of this Ordinance the applicant and Village Review Board in its review shall be informed by guidance from the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings and the Village Review Zone Design Guidelines.

(2) New Construction and Additions and Alterations to Existing Structures.

- a. In approving applications for a Certificate of Appropriateness for new construction or additions or alterations to contributing resources, the Review Authority shall make findings that the following standards have been satisfied:
 - i. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.
 - ii. Alterations shall remain visually compatible with the existing streetscape.
 - iii. Concealing of distinctive historic or architectural character-defining features is prohibited. If needed, the applicant may replace any significant features with in-kind replacement and/or accurate reproductions.
 - iv. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.
 - v. When constructing additions, the applicant shall maintain the structural integrity of existing structures.
- b. In approving applications for a Certificate of Appropriateness for new construction of, or additions to commercial, multifamily, and other non-residential structures, the Review Authority shall make findings that the following additional standards have been satisfied:
 - i. Where practicable, new off-street parking shall be located to the rear of the principal building and shall be accessed from a secondary street. In cases where off-street parking currently exists in a front or side yard, the parking area shall be screened from the public right-of-way with landscaping or fencing.
 - ii. Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.
 - iii. All dumpsters and mechanical equipment shall be located no less than 25 feet away from a public right-of-way, unless required by a public utility, and shall be screened from public view.
 - iv. Roof-top-mounted heating, ventilation, air conditioning and energy producing equipment shall be screened from the view of any public right-of-way or incorporated into the structural design to the extent that either method does not impede functionality. Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.

-
- v. ~~A concrete product may be used on the exterior of a building if the Board finds the product resembles wood or stone to a high degree. The use of cinder block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.~~
 - vi. The use of vinyl, aluminum or other non-wood siding is permitted as illustrated in the Village Review Board Design Guidelines. Asphalt and asbestos siding are prohibited.
 - vii. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.
 - viii. No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
 - ix. No building on Maine Street shall have more than 15 feet horizontally of windowless wall.
 - x. All new buildings and additions on Maine Street shall be built to the front property line. This may be waived if at least 60 percent of the building's front façade is on the property line, and the area in front of the setback is developed as a pedestrian space.
 - xi. If more than 50 percent new floor area is added to a structure located on Maine Street, the addition shall be at least two (2) stories high and/or not less than 20 feet tall at the front property line.
 - xii. The first floor façade of any portion of a building that is visible from Maine Street shall include a minimum of 50 percent glass. Upper floors shall have a higher percentage of solid wall, between 15 percent and 40 percent glass.
 - c. Proposed additions or alterations to noncontributing resources shall be designed to enhance or improve the structure's compatibility with nearby contributing resources as compared to the existing noncontributing resource.
- (3) *Signs.* Signs shall comply with Section 4.13 (Signs) with consideration given to the Village Review Zone Design Guidelines.
- (4) *Demolition and Relocation.*
- a. Demolition or partial demolition or relocation of a contributing or, if visible from a public right-of-way, a noncontributing resource, excluding incidental or noncontributing accessory buildings and structures not visible from the public right-of-way, located on the same property, shall be prohibited unless the proposed replacement structure or reuse of the property is deemed to be as appropriate and compatible with the existing streetscape and surrounding contributing resources and the application satisfies at least one (1) of the following criteria:
 - i. The structure poses an imminent threat to public health or safety. An application must be accompanied by a report from a qualified structural engineer for review by the Code Enforcement Officer and photographs depicting the current condition of the building.
 - ii. The condition of the structure is such that it cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, resulting in a reasonable economic return, regardless of whether that return represents the most profitable return possible, provided that the applicant can document he/she has not contributed significantly to the deterioration of the structure. An opinion shall be provided from an architect, licensed engineer, developer, real estate consultant or appraiser or from a professional experienced in historic rehabilitation, as to the economic feasibility for restoration, renovation, or rehabilitation of the contributing resource versus demolition or relocation of same.

-
- b. Demolition, partial demolition or relocation of a noncontributing resource visible from a public right-of-way, shall be approved by the Village Review Board if it is determined that the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition.
 - D. *Expiration of Certificate of Appropriateness.* If two (2) years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Code Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Board may consider any changes to this Ordinance or any other new information relevant to the application when considering an extension request.

Sec. 1.6. Nonconformities.

1.6.1. General.

- A. *Nonconforming Defined.* As used in this Section, the term "nonconforming" refers to a lot, use, structure, site feature, or sign which is allowed solely because it was in lawful existence at the time of the effective date of this Ordinance or when a subsequent Ordinance amendment takes effect.
- B. *Transfer of Ownership.* Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
- C. *Repair and Maintenance.* This Ordinance allows the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

1.6.2. Nonconforming Lots.

- A. *Definition of a Single Nonconforming Lot.* A single nonconforming lot is a nonconforming lot of record as of the effective date of this Ordinance or amendment thereto in separate ownership and not contiguous with any other lot in the same ownership. For purposes of the Shoreland Protection Overlay (SPO) District, a single nonconforming lot is a single lot of record established on or before June 6, 1994.
- B. *Development and Use of Single Nonconforming Lots Outside of a Subdivision.*
 - (1) *Undeveloped.*
 - a. *Outside Shoreland Protection Overlay (SPO) District.* May be used as allowed by Chapter 3 (Property Use Standards) or Subsection 1.6.3 (Nonconforming Uses) if either:
 - i. The lot area is at least 3,000 square feet, and it complies with Chapter 4 Subsections 4.2.3 or 4.2.4 as applicable (Dimensional and Density Standards); or
 - ii. The lot area is smaller than 3,000 square feet, or lot width is less than 65 feet, setbacks are no less than 90%, and impervious surface coverage is no more than 110% of Chapter 4 dimensional and density standards.
 - b. *Within SPO.* May be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setbacks or other requirements not involving lot area, lot width and shore frontage shall be obtained by action of the Zoning Board of Appeals.
 - (2) *Developed.*
 - a. *Outside SPO.* A nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable dimensional and density standards of the district in which it is located and shall not increase any nonconformity.
 - b. *Within SPO.* A single nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable zoning district dimensional and density standards, as well as all applicable regulations found in Subsection 1.6.4 of this Ordinance, and shall not increase any nonconformity.
- C. *Development and Use of Single Nonconforming Lot Within Subdivision.*

-
- (1) *Undeveloped.*
- a. *Outside and Within SPO.* A single nonconforming lot may be used as allowed by Chapter 3 or Subsection 1.6.3 if:
- i. The lot is in separate ownership and not contiguous with other lots in same ownership;
- ii. And:
- (A) If lot area is less than 20,000 square feet, it complies with the remaining Chapter 4 standards; or
- (B) If lot area is less than 20,000 square feet or lot width is less than 100 feet, setbacks are no less than 90% and impervious surface coverage is no more than 110% of Chapter 4 Subsection 4.2.3 and 4.2.4.
- (2) *Developed.*
- a. *Outside and Within the SPO.* A nonconforming lot containing a legally existing structure or use may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable dimensional and density standards contained in Subsections 1.6.4, 4.2.3 and 4.2.4 and shall not increase any nonconformity with respect to lot area, lot width, or impervious surface ratio.
- D. *Development and Use of a Single Nonconforming Developed Lot with Two (2) or more Principal Uses or Structures.*
- (1) *Outside or Within SPO.* If two (2) or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance or subsequent amendment, each may be sold on a separate lot provided that the lot area complies with the minimum requirements of the State of Maine Subsurface Wastewater Disposal Rules (in those areas not served by public sewer) and the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A—4807-D, as amended). When such lots are divided, each lot thus created must be as conforming as practicable to the dimensional requirements in Subsection 4.2.3 or 4.2.4.
- E. *Development and Use of Contiguous Nonconforming Lots in Common Ownership.*
- (1) *Both Lots Undeveloped, Within SPO.* If two (2) or more contiguous undeveloped lots are in common ownership of record at the effective date of this Ordinance or subsequent amendment and, if any of these lots do not individually meet the dimensional standards of this Ordinance the lots shall be combined to the extent necessary to meet the applicable dimensional standards of this Ordinance. The provision shall not apply to two (2) or more contiguous lots that are held in common ownership on June 6, 1994 and recorded separately in the Cumberland County Registry of Deeds, and where at least one (1) of the lots is nonconforming, if the nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and
- a. Each lot contains at least 20,000 square feet of lot area; or
- b. Any lots that do not meet the lot width and lot area requirements of the base zoning district (and any overlay districts) are reconfigured or combined so that each new lot contains at least 20,000 square feet in lot area.
- (2) *Both Lots Undeveloped, Outside SPO.* If two (2) or more contiguous undeveloped lots are in common ownership of record and, if any of these lots do not individually meet the dimensional standards of this Ordinance, the lots shall be combined to the extent necessary to meet the applicable dimensional standards of this Ordinance. The provision shall not apply to two (2) or more contiguous lots that are held in common ownership and recorded separately in the Cumberland County Registry of Deeds, and where at least one (1) of the lots is nonconforming, if the nonconforming lot is served by a public sewer

or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- a. Each lot contains at least 20,000 square feet of lot area; or
- b. Any lots that do not meet the lot width and lot area requirements of the base zoning district (and any overlay districts) are reconfigured or combined so that each new lot contains at least 20,000 square feet in lot area.

(3) *Both Lots Developed, Outside or Within SPO.* If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the effective date of this Ordinance or subsequent amendment, if all or part of the lots do not meet the dimensional and density requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the lots are served by public sewer or the State Minimum Lot Size Law (12 M.R.S.A. § 4807-A—4807-D, as amended) is met.

(4) *One or More Lots Developed with Principal Structure or Use, and One (1) or More Lots Undeveloped.*

- a. *Within SPO.* If two (2) or more contiguous lots are in common ownership of record at the effective date of the Ordinance and if any of these lots contain no principal structure and do not individually meet the dimensional and density standards of this Ordinance, the lots shall be combined to the extent necessary to meet the said standards. This provision shall not apply to two (2) or more contiguous lots in common ownership on June 6, 1994 and recorded separately in the Cumberland County Registry of Deeds, and where at least one (1) of the lots is nonconforming, if the nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- i. Each lot contains at least 20,000 square feet of lot area; or

- ii. Any lots that do not meet the lot width and lot area requirements of the base zoning district and any overlay districts are reconfigured or combined so that each new lot contains at least 20,000 square feet of lot area.

- b. *Outside SPO.* If two (2) or more contiguous lots are in common ownership of record and if any of these lots contain no principal structure and do not individually meet the dimensional and density standards of this Ordinance, the lots shall be combined to the extent necessary to meet the said standards. This provision shall not apply to two (2) or more contiguous lots in common ownership and recorded separately in the Cumberland County Registry of Deeds, and where at least one (1) of the lots is nonconforming, if the nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- i. Each lot contains at least 20,000 square feet of lot area; or

- ii. Any lots that do not meet the lot width and lot area requirements of the base zoning district and any overlay districts are reconfigured or combined so that each new lot contains at least 20,000 square feet of lot area.

F. *Development and Use of Contiguous Lots in Common Ownership, only One Lot Nonconforming.*

(1) *Conforming Lot Developed, Nonconforming Lot Undeveloped.*

- a. *Within SPO.* A single, undeveloped, nonconforming lot which does not individually meet the dimensional and density standards of this Ordinance and is contiguous with a developed conforming lot held in common ownership on the effective date of this Ordinance shall be combined with the developed lot. This provision shall not apply if the contiguous lots are held in

common ownership on June 6, 1994 and are recorded separately in the Cumberland County Registry of Deeds, and where the single, unimproved, nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and contains at least 20,000 square feet of lot area.

- b. *Outside SPO.* A single, undeveloped, nonconforming lot which does not individually meet the dimensional and density standards of this Ordinance and is contiguous with a developed conforming lot held in common ownership shall be combined with the developed lot.

(2) *Nonconforming Lot Developed, Conforming Lot Undeveloped.*

- a. *Within SPO.* A single, developed, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance on which a principal use or structure exists and is contiguous with an undeveloped conforming lot held in common ownership on the effective date of this Ordinance and is recorded separately in the Cumberland County Registry of Deeds, may continue to be used as if it were a conforming lot, but may not be sold separately. Any change or expansion of the existing use or structure shall comply with all applicable dimensional and density standards of the base or overlay district.
- b. *Outside SPO.* A single, developed, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance on which a principal use or structure exists and is contiguous with an undeveloped conforming lot held in common ownership on the effective date of this Ordinance or subsequent amendment, and is recorded separately in the Cumberland County Registry of Deeds, may continue to be used as if it were a conforming lot, and may be sold separately, provided that any change or expansion of the existing use or structure shall comply with all applicable dimensional and density standards of the base or overlay district, except lot width or area.

1.6.3. *Nonconforming Uses.*

The following standards apply both within and outside the SPO District, unless otherwise specified below.

- A. *Continuance.* A nonconforming use may be continued even though it does not conform to the use standards for the base zoning district (and any overlay district) in which it is located. A nonconforming use that is discontinued, whether or not there was an intent to abandon, for ~~36-24~~ consecutive months or more outside the APO, SPO, FPO, and WPO Districts, or for 12 consecutive months or more within the APO, SPO, FPO, or WPO Districts, may not be re-established except in compliance with the current standards of this Ordinance.
- B. *Change in Use.* A nonconforming use may be replaced by another use not allowed in the base zoning district (or any overlay district) if the Staff Review Committee determines that the new use will have no greater adverse impact on the water body, tributary stream wetland, aquifer, or on adjacent properties and resources, than the existing use. To show that no greater adverse impact will occur, the Change of Use application shall include written documentation assessing the probable effects on public health and safety, traffic, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, scenic features, as delineated in the 2002 Brunswick Parks, Recreation and Open Space Plan, as amended, flood plain management, archaeological and historic resources, commercial fishing and marine activities, and other functionally water-dependent uses.
- C. *Expansion of Use.*
 - (1) *Outside SPO.* A nonconforming use may be expanded throughout the existing structure housing the use. A nonconforming use may also be expanded throughout any expansion of the existing structure allowed by this Ordinance. Any additional expansion of area occupied by the use,

whether from expansion of the structure or extension of the use to additional land area, shall be limited to 1,000 square feet over a five-year period; provided that further additional expansion of a nonconforming use may be allowed through approval of a Special Permit in accordance with Subsection 5.2.3.C.

- (2) *Within SPO.* Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed in Subsection 1.6.4.B(2).
- D. *Reconstruction of Structure with a Nonconforming Use.* If a structure housing a nonconforming use is destroyed, removed or damaged by any cause, the nonconforming use may be re-established in the structure if it is restored or reconstructed provided that a Building Permit for the restoration or reconstruction is obtained within ~~three (3)~~ two (2) years after the date of destruction, removal or damage, if the property is located outside the APO, SPO, FPO or WPO Districts; or within one (1) year of the date of destruction, removal or damage, if the property is located within the APO, SPO, FPO or WPO Districts.

1.6.4. Nonconforming Structures.

- A. *Continuance.* Both in and outside the SPO District, a nonconforming structure may be continued with the use established as of the effective date of this Ordinance, and may continue to be used for any use permitted within a base district or overlay district in which the property is located, or by Subsection 1.6.3 (Nonconforming Uses), even though the structure or its use does not conform to the requirements of this Ordinance.
- B. *Expansion.*
 - (1) *Outside SPO District.* A nonconforming structure may be expanded if the expansion area complies with the standards of this Ordinance and the expansion does not increase the structure's nonconformity or create any other nonconformity, with the exception of the following:
 - a. Where the structure is nonconforming because it extends into a minimum required setback, it may be expanded further within the minimum required setback as long as it does not extend beyond the setback established by the existing nonconforming structure.
 - b. Where a structure, located within a Growth Area Zoning District, is nonconforming because it exceeds the allowable maximum building footprint, the structure or its replacement may be expanded by Special Permit (Subsection 5.2.4), such that the expansion does not create any other nonconformity.
 - (2) *Within SPO District.*
 - a. All new principal and accessory structures, excluding functionally water-dependent uses, shall comply with the water body, tributary stream or wetland setback requirements set forth in Subsection 2.3.3.C(1)a. A nonconforming structure may be added to or expanded after obtaining a permit from the same Review Authority as that for a new structure, if such addition or expansion does not increase the structure's nonconformity and is in accordance with Subsections 1.6.4.B(2)b and c below.
 - b. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion does not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure located closer to the normal high-water line of the water body, tributary stream or upland edge of a wetland than the principal structure is prohibited,

even if the expansion does not increase nonconformity with the water body, tributary stream or wetland setback requirements.

- c. Notwithstanding Subsection 1.6.4.B(2)b, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as the expansion complies with all other standards of this Ordinance and the expansion is not prohibited by Subsection 1.6.4.B(2)a.
 - i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- d. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as the expansion complies with all other requirements of this Ordinance and the expansion is not prohibited by Subsection 1.6.4.B(2)a. or b.
 - i. For structures located less than 125 feet from a river freshwater wetland, or coastal wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not exceed 20 feet, or the height of the existing structure, whichever is greater.
 - ii. For structures located within the Shoreland Protection Overlay - Stream Protection Sub-District (SPO-SP) or less than 75 feet from the normal high-water line of a tributary stream - the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not exceed 20 feet, or the height of the existing structure, whichever is greater.
 - iii. In addition to the limitations as set forth in Subsection 1.6.4.B(2)d for structures that are legally nonconforming due to their location within the Shoreland Protection Overlay - Resource Protection Sub-District (SPO-RP) or when located less than the required structure setback from a water body or wetland, the maximum combined total footprint for all structures shall not be expanded to a size greater than 1,500 square feet or 30 percent larger than the footprint that existed at the time the Shoreland Protection Overlay - Resource Protection Sub-district (SPO-RP) or its equivalent was established on the lot, whichever is greater. The maximum height of any structure shall not exceed 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits contained in Subsections 1.6.4.B(2)c.i. and 1.6.4.B(2)d.i.
- e. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Cumberland County Registry of Deeds, within 90 days of approval. The recorded plan shall show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the SPO, and if applicable, SPO Sub-District areas and evidence of the approval of the Review Authority. A copy of the recorded plan shall be provided to the Town of Brunswick Department of Planning and Development by the applicant.

C. *Restoration, Reconstruction or Replacement.*

-
- (1) *Outside SPO District.* Any nonconforming structure that is destroyed, removed or damaged by any cause may be restored or reconstructed to its pre-destruction, pre-removal or pre-damage condition, or replaced with a structure comparable to the destroyed, removed or damaged structure, provided that a Building Permit for the restoration, reconstruction, or replacement is obtained within ~~three (3)~~ two (2) years after the date of destruction, removal or damage; and no existing nonconformity is increased and no new nonconformity is created. Any restoration, reconstruction, or replacement of a nonconforming structure authorized by a Building Permit obtained after ~~two (2)~~ three (3) years shall comply with the current requirements of this Ordinance.
- (2) *Within SPO District.*
- a. *Less than 50 Percent Damage.*
- i. Any nonconforming structure, located within the required setback of a water body, tributary stream or wetland, that is removed, destroyed or damaged by any cause, by 50% or less of the structure's pre-destruction, pre-removal or pre-damage market value may be restored or reconstructed to its pre-destruction, pre-removal or pre-damage condition, provided that the structure is restored, reconstructed, or replaced in the same location and a Building Permit is obtained from the Code Enforcement Officer within one (1) year of such removal, destruction or damage. This subsection shall not apply to normal maintenance and repair to the structure.
- b. *More than 50% Damage.*
- i. Any nonconforming structure located within the required setback from a water body, tributary stream or wetland, that is removed, damaged or destroyed by any cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a Building Permit is obtained within 18 months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback standards to the greatest extent practicable as determined by the Code Enforcement Officer in accordance with Subsection 1.6.6. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. This subsection shall not apply to normal maintenance and repair to the structure.
- ii. If the reconstructed or replacement structure is located within the required setback of a water body, tributary stream or wetland, it shall not be any larger than the original structure, except as allowed pursuant to Subsection 1.6.4.B(2), as determined by the nonconforming footprint of the reconstructed or replacement structure in its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for the new structure.
- iii. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Subsection 1.6.7.
- iv. In determining whether the building reconstruction or replacement meets the setback to the greatest extent practicable, the Code Enforcement Officer shall consider, in addition to the criteria contained in Subsection 1.6.4.E(2), the physical condition and type of foundation present, if any.
- D. *Relocation to a Different Parcel, Outside or Within SPO District.* A nonconforming structure may be relocated to a different parcel provided it complies with the dimensional and density standards of the base zoning district (and any applicable overlay district) in which it is relocated. If the relocation of a nonconforming structure requires removal of vegetation within the required SPO minimum structure setback area from a

water body, tributary stream or wetland, such vegetation shall be replaced within the setback area in accordance with Subsection 1.6.7. Where feasible, when a nonconforming structure in the setback area is relocated, the original location of the structure shall be replanted with vegetation consisting of native grasses, shrubs, trees, or a combination thereof.

E. *Relocation on Same Parcel.*

- (1) *Outside SPO District.* A nonconforming structure may be relocated within the same parcel provided it complies, to the greatest extent practicable, with the dimensional requirements of the base zoning district (and any applicable overlay district) in which it is relocated. In determining whether the relocated structure complies, to the greatest extent practicable, with such standards, the Code Enforcement Officer shall consider the size of the parcel, the slope of the land and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, and the location of any easements, septic systems and wells on the parcel.
- (2) *Within SPO District.*
 - a. A nonconforming structure may be relocated within the boundaries of the parcel on which it is located, provided that the site of relocation conforms to all setback requirements, to the greatest extent practicable, as determined by the Code Enforcement Officer and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and Rules. In no case shall a structure be relocated so that it is more nonconforming.
 - b. In determining whether the building relocation meets the setback to the greatest extent practicable, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties; the location of any easements, septic systems, and wells; other on-site soils suitable for septic systems; and the type and amount of vegetation to be removed to accomplish the relocation. It is the responsibility of the applicant to provide this information to the Code Enforcement Officer.
 - c. When it is necessary to remove vegetation within the water body or wetland required setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Subsection 2.3.3.C(11). Replanting shall be completed in accordance with Subsection 1.6.7.
 - d. Where feasible, when a structure is relocated, its original location shall be replanted with native vegetation consisting of native grasses, shrubs, trees, or a combination thereof.

F. *Foundations.*

- [(1)] *Within SPO District.* Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation shall be placed such that the required setback is met to the greatest extent practicable as determined by the Code Enforcement Officer, based on criteria specified in Subsection 1.6.4.E(2) (Relocation on Same Parcel).

1.6.5. *Nonconforming Site Features.*

The following standards apply both within and outside the SPO District.

- A. *Continuance.* A nonconforming site feature may be continued even though it does not conform to the standards of this Ordinance.
- B. *Expansion or Modification.* A nonconforming site feature may be expanded or modified if the expansion area or modification complies with the requirements of this Ordinance and the expansion or

modification does not extend the site feature's nonconformity or create a new nonconformity. In the APO, SPO, FPO, and WPO Districts, the expansion or modification must also comply with the minimum setback from a water body or wetland required by Subsection 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

- C. *Restoration, Reconstruction, or Replacement.* Any benign (not affecting health or safety) nonconforming site feature that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction, pre-removal or pre-damage condition, or replaced with a site feature comparable to the destroyed, removed or damaged site feature, provided that no existing nonconformity is increased and no new nonconformity is created, and provided that a permit for the restoration, reconstruction, or replacement site feature is obtained within two (2)~~three (3)~~ years after the date of destruction, removal or damage, if the property is located outside the APO, SPO, FPO and WPO Districts; or within one (1) year after the date of destruction, removal or damage, if the property is located within the APO, SPO, FPO and WPO Districts. Any restoration, reconstruction, or replacement of the site feature approved after two (2)~~three (3)~~ years outside the APO, SPO, FPO and WPO Districts; or after one (1) year within the APO, SPO, FPO and WPO Districts, shall comply with all requirements of this Ordinance. Within the APO, SPO, FPO and WPO Districts, the restoration, reconstruction, or replacement shall comply with the minimum setback from a water body or wetland required by Subsection 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

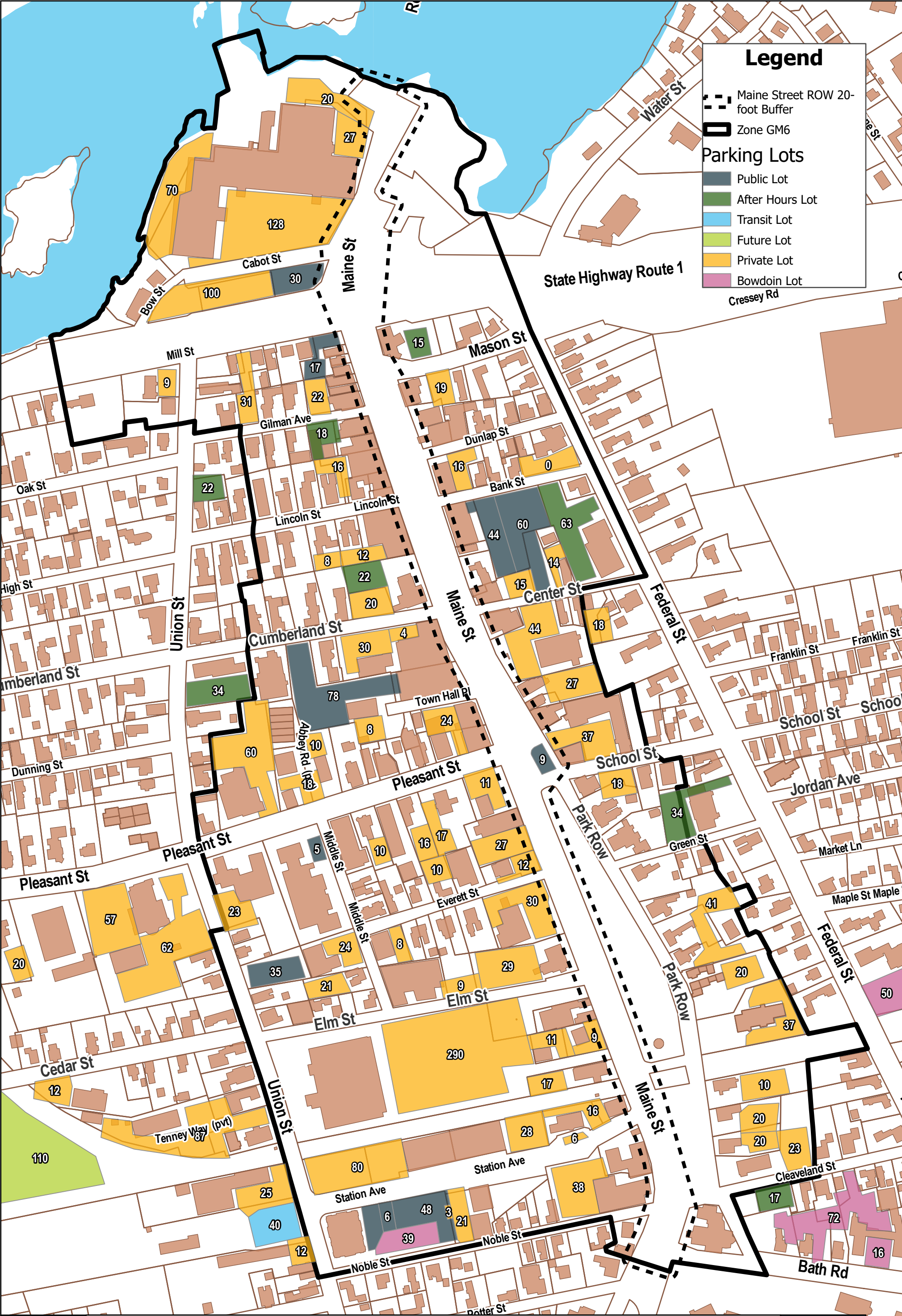
1.6.6. Determination of Compliance to the Greatest Extent Practicable.

In determining whether an expanded, restored, reconstructed, replacement, or relocated nonconforming structure or site feature complies with setback requirements to the greatest extent practicable, the Review Authority shall consider the area of the parcel, the parcel's topography and potential for soil erosion, the location of other structures on the parcel and on adjoining properties; the location of any easements, septic systems or wells; soils suitable for septic systems on the parcel, and the type and amount of vegetation to be removed to accomplish the expansion.

1.6.7. Standards for Replacement of Removed Vegetation.

Where replacement of removed vegetation is required by a provision in this Subsection 1.6.7, the vegetation shall be replaced within the setback area in accordance with the following standards:

- A. Removed trees shall be replaced with at least one (1) native tree, at least three (3) feet in height, for every tree removed.
- (1) If more than five (5) trees are planted, no one (1) species of tree shall make up more than 50 percent of the number of trees planted.
 - (2) Replaced trees must be planted no further from the water body or wetland than the trees that were removed.
- B. Other woody and herbaceous vegetation and ground cover that are removed or destroyed shall be re-established in an area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed. The replacement vegetation and/or ground cover shall consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.



MAINE ST ROW WITH 20-FOOT BUFFER

ZONE GM6, WITH PARKING LOT INVENTORY ALSO SHOWN

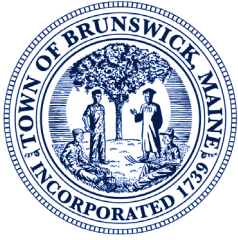
TOWN OF BRUNSWICK, MAINE



Town of Brunswick, Maine

Item 13

Back up
materials



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC & COMMUNITY DEVELOPMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council

FROM: Chrissy Adamowicz, Economic and Community Development Project Manager

SUBJECT: Setting a Public Hearing for a Community Development Block Grant Public Infrastructure Application for the Blueberry Fields Cooperative

DATE: February 17, 2026

In the summer of 2024, the Town Council awarded the Blueberry Fields Cooperative (BFC) \$800,000 in grants to match funds from Maine Housing and the Genesis Fund to purchase the land that the community is situated on. This coordinated public-private partnership provided the financial support necessary for the residents to acquire the Linnhaven Mobile Home Park and form a housing cooperative that will help to maintain and preserve long-term affordability of the mobile home park. This targeted investment by the Town supports the affordable housing goals set by the Town.

Blueberry Fields Cooperative has 266 septic systems serving 304 residents. Of these septic systems, 80% of the tanks and 90% of the leach fields, are believed to date to the 1950s. These systems are more than twice as old as their expected life span, and pose a risk to public health and Maquoit Bay.

There is an opportunity to connect BFC to the Brunswick Sewer District (BSD) line that serves Maquoit Road. The Town, in collaboration with the Environmental Protection Agency and consulting firm Horsley-Witten, are pursuing funding sources to pay for converting the wastewater septic systems to public sewer. This action supports the goals of Sector 5 – Natural Resources, Land Use, and Food Systems of the Town's Climate Action Plan (2024). The Community Development Block Grant, Public Infrastructure fund (CDBG PI) is one of the sources being pursued in this effort. The Town submitted a letter of intent to DECD and was invited to apply for this source, which is only available in even years.

Staff are ready to apply to the CDBG PI Program with BSD, which is due on March 13, 2026. The application for funding is for \$1,000,000 and will be used along with other sources to construct sewer lines that will serve BFC. These funds require no match from the Town. As part of the CDBG application requirements, the Town must hold a public hearing on the project.

Therefore, staff requests that the Town Council hold a public hearing on March 2, 2026, to approve a CDBG PI grant application for \$1,000,000 to support the construction of sewer lines to BFC, that will serve 304 residents, protect public health, and Maquoit Bay.

Executive Summary: Brunswick Bay

This report discusses potential opportunities, challenges, and options available to improve the wastewater infrastructure of Brunswick Bay Cooperative in Brunswick, Maine.

Needs and Challenges

Brunswick Bay Cooperative has a total of 58 housing units and 40 septic systems. Sixteen systems are believed to be original to the 1960s and 70s. These systems may fail at any time. They pose risks to public health as well as to the significant environmental resources present in Maquoit Bay.

Potential Options

Replace Onsite Septic Systems	Connect to the Sewer
• Construction Costs: \$900K to replace original systems, \$1.97M to replace all • Est. Lifecycle Costs (all): \$2.1M • Advantages • Could be completed over time • No sewer usage fee (lower O&M) • Concerns • Continues to leach nitrogen • Future legislation could require costlier systems • BBC is responsible for the infrastructure • Fewer sources of funding to support	• Construction Costs: \$1.5M for gravity, \$2.6M for low-pressure systems (LPS) • Est. Lifespan Costs: \$1.9M for gravity, \$3.0M for LPS • Advantages • BSD will maintain most of the infrastructure (gravity connection only) • Nitrogen is removed from Maquoit Bay watershed • More sources of funding to support • Concerns • May require loans/financing; grant funding is uncertain • Ongoing sewer usage fee (higher O&M)

Lifecycle Cost Analysis

Item	Onsite Systems (Replace All)	Gravity Sewer System	Low-Pressure Sewer System
Construction Costs	\$1,967,650	\$1,481,125	\$2,636,500
Annual O&M Cost	\$9,833	\$36,727	\$67,927
Repairs over 20 years	\$133,000	\$15,000	\$15,000
O&M Present Worth (P/A, 1.5%, 20)	\$168,900	\$630,600	\$1,166,300
Salvage Value (20 years)	\$172,575	\$347,625	\$777,150
Total Present Worth Cost	\$1,964,325	\$1,869,225	\$3,040,650

Funding and Financing Options

Opportunity	Financial Details	Deadline	Other Notes
Congressionally Directed Spending	Uncertain – all grant	Spring 2026 – TBD	Town works with congressional reps
Maine Infrastructure Adaptation Fund	Up to \$3M grant, 5% match	Applications will open in late March 2026	Focus is on climate resilience
CDBG Public Infrastructure (PI), Housing Assistance (HA)	PI: \$1M grant, 25% match HA: \$500k grant, 20% match	PI: Spring 2026 – TBD HA: LOI due March 20, 2026	PI for sewer, HA for septic
Maine SRF	Low interest loan with principal forgiveness	Preliminary application in April, Intended Use Plan over summer	
Connection Fee	Low/no interest loan or grant for connection	When project is advancing	BSD board discretion

Executive Summary: Blueberry Fields

This report discusses potential opportunities, challenges, and options available to improve the wastewater infrastructure of the Blueberry Fields Cooperative in Brunswick, Maine.

Needs and Challenges

The cooperative currently has 266 septic systems. Most of these are individual systems serving one house, but some are shared. Of the existing systems, 80% of the septic tanks and 90% of the leaching fields are believed to date to the 1950s when the property was developed. While most of the systems appear to be in good condition, they are well over twice as old as their expected lifespan. They pose risks to public health as well as to the significant environmental resources present in Maquoit Bay.

Potential Options

Onsite Septic Systems	Sewer Connection
•Est. Lifespan Costs: \$9.9M •Advantages •Could be completed over time •No sewer usage fee (lower O&M) •Concerns •Continues to leach nitrogen •Future legislation could require costlier systems •BFC is responsible for the infrastructure •Fewer sources of funding to support	•Est. Lifespan Costs: Gravity - \$7.6M; low pressure - \$11M •Advantages •BSD will maintain most of the infrastructure (gravity connection only) •Nitrogen is removed from Maquoit Bay watershed •More sources of funding to support •Concerns •May require loans/financing; grant funding is uncertain •Ongoing sewer usage fee

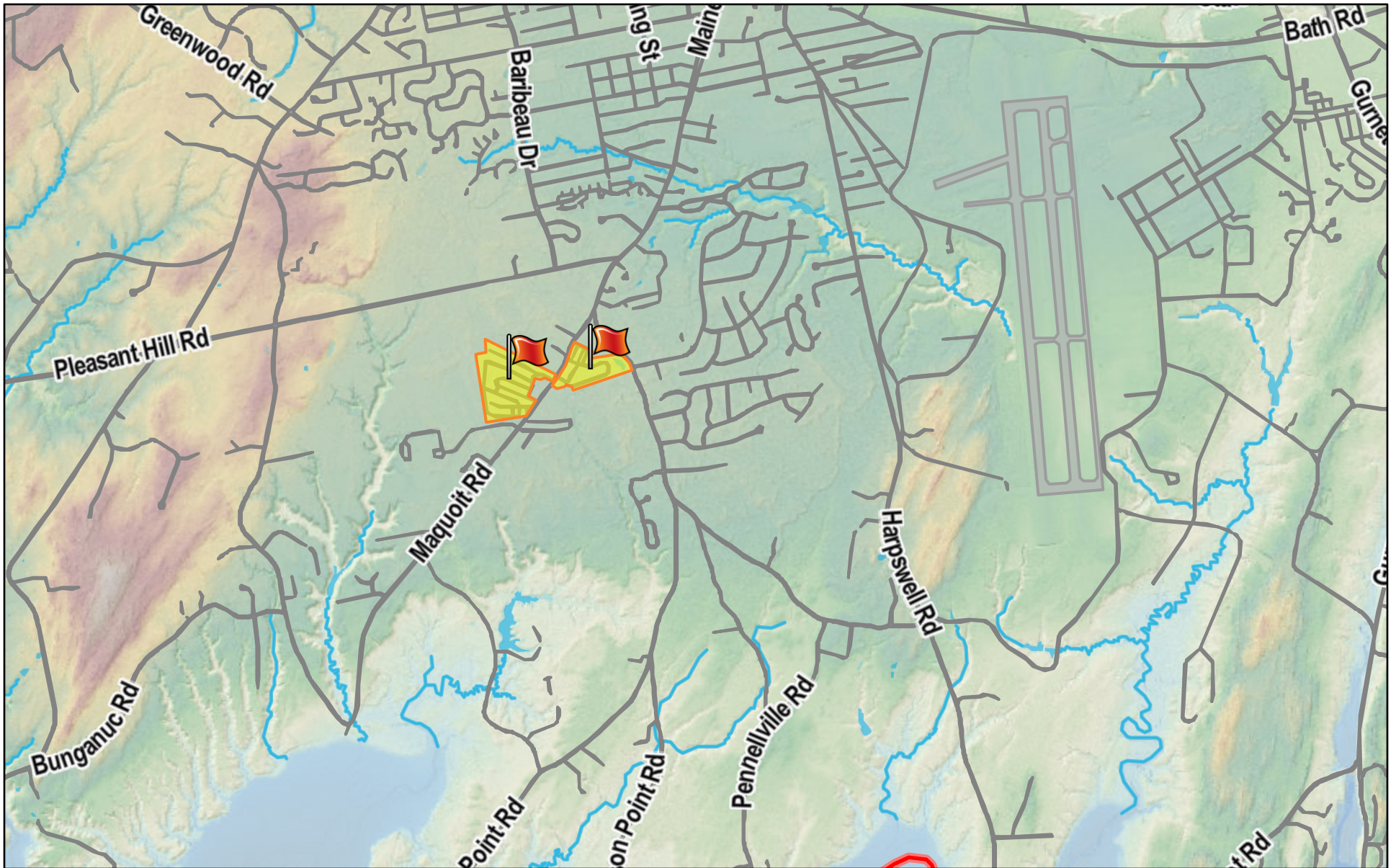
Lifecycle Cost Analysis

Item	Onsite Septic	Gravity Sewer	Low-Pressure Sewer
Construction Costs	\$9,500,000	\$7,116,000	\$10,546,000
Repairs over 20 years	\$644,000	\$72,500	\$72,500
O&M over 20 years	\$601,000	\$1,832,000	\$3,890,600
Salvage Value (20 years)	\$833,625	\$1,390,500	\$3,108,600
Total Present Worth Cost	\$9,911,375	\$7,630,000	\$11,400,500

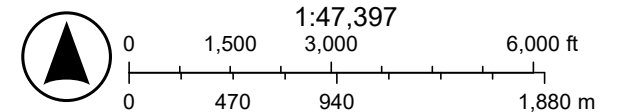
Funding and Financing Options

Opportunity	Financial Details	Deadline	Other Notes
Congressionally Directed Spending	Uncertain – all grant	Spring 2026 – TBD	Town works with congressional reps
Maine Infrastructure Adaptation Fund	Up to \$3M grant, 5% match	Applications will open in late March 2026	Focus is on climate resilience
CDBG Public Infrastructure (PI), Housing Assistance (HA)	PI: \$1M grant, 25% match HA: \$500k grant, 20% match	PI: Spring 2026 – TBD HA: LOI due March 20, 2026	PI for sewer connection, HA for septic
Maine SRF	Low interest loan with principal forgiveness	Preliminary application in April, Intended Use Plan over summer	
Connection Fee	Low/no interest loan or grant for connection	When project is advancing	Up to the discretion of the BSD board

Blueberry Fields Cooperative Location



2/5/2026, 12:48:47 PM



Basemap prepared by the GIS Administrator, Town of Brunswick, Maine.

Town of Brunswick, Maine

Item 14

Back up
materials

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Town Council
Julia Henze, Town Manager

FROM: Julie Erdman, Director of Planning & Development
Jimmy Dealaman, Principal Planner

DATE: February 6, 2026

SUBJECT: Off-Premises Signage Zoning Text Amendments

I. INTRODUCTION

A primary reason why the Town's zoning ordinance expressly prohibits off-premises signs in all zoning districts is because the cumulative impact of allowing off-premises signs for individual properties would contribute to greater visual clutter along public roads, create driver distraction, and make the Town's sign standards more difficult to administer and enforce. However, in locations where multiple businesses exist closely together, consolidated off-premises signage could improve wayfinding and may help shift larger signage away from building frontages resulting in less visually cluttered building elevations.

Last year staff received concerns from the business community that the ordinance's limitations included not allowing for off-premises business directory signs. A good example is where entrance roads leading into industrial parks exist outside of the park property, businesses cannot use external signage to communicate those businesses contained therewithin. Allowing off-premises signs in these cases would improve advertising of businesses that do not have the benefit of being located along a commercial corridor, as well as helping vehicles better navigate to these locations. Staff are recommending the attached zoning amendments to allow for business directory signage clustered in an off-premises location to address signage challenges like those experienced at industrial parks, as well as supporting more consolidated signage and orderly wayfinding at entrances to development.

Staff are forwarding the attached zoning amendments (Attachments 1) to the Town Council and are requesting that a public hearing date be scheduled.

II. SUMMARY & BACKGROUND INFORMATION

The Planning Board provided feedback about these amendments at a workshop held on January 27th and were generally supportive of the proposed updates. As of the date of this memo, the amendments are scheduled for a Planning Board hearing on February 10th. Following the hearing, staff anticipate forwarding the Planning Board's recommendation to the Town Council for final review of the amendments.

Since the January 27 Planning Board workshop, staff have added clarifying language to the draft amendments specifying that off-premises business directory signage would be subject to the same standards as Multi-Tenant Signs, which allow the following:

E. Multi-tenant Signs. Multi-tenant signs are permitted at major entrances to multi-tenant developed properties and shall comply with the sign type standards in this Ordinance and may exceed such standards as follows:

(1) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and

GI zoning districts a multi-tenant sign may consist of 25 square feet per tenant; not to exceed a cumulative sign area of 200 square feet nor 15 feet in height.

- (2) In the GM6, GM8 (excluding Bath Road frontage lots) and RM zoning districts a multi-tenant sign may consist of 18 square feet per tenant, not to exceed a cumulative sign area of 54 square feet nor 12 feet in height

III. CONSISTENCY WITH COMPREHENSIVE PLAN

In making its recommendation to the Town Council, the Planning Board will provide a recommendation whether the amendments are consistent with the Town's [Comprehensive Plan](#).

Staff have reviewed the proposed amendments and believe they are consistent with the following:

- [Action Strategy D.1](#) recommends supporting established economic drivers and large and small local businesses. Allowing for off-premises signage for businesses will provide greater flexibility for businesses to advertise and attract customers as well as providing more predictable wayfinding for customers and deliveries.

IV. REQUESTED ACTION

Staff request that the Town Council consider setting a public hearing for March 2, 2026, to adopt zoning amendments proposed by the Planning and Development Department related to off-premises business directory signage (Section 4.13).

V. ATTACHMENTS

Attachment 1. Draft Zoning Text Amendments - Off-Premises Signage

Sec. 4.13. Signs.

4.13.1. General Standard.

All new outdoor signs must be compatible in design and scale with their surroundings and shall not unreasonably interfere with the safe operation of adjoining roads, sidewalks, parking areas, or uses.

4.13.2. Specific Standards.

Signs may not unduly impact property values and should enhance and protect the physical appearance of the community, avoid distractions and obstructions, and reduce hazards that may be caused by signs.

A. Standards and Permits Required.

- (1) No sign shall be erected or altered unless it conforms to these regulations. Signs must be kept clean, legible, and free from all hazards, such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, or constitute a distraction or obstruction that may impair traffic safety. Any such sign that becomes a nuisance or a hazard to public safety shall be removed from the premises if so ordered by the Code Enforcement Officer.
- (2) A permit is not required if the area of the sign is one (1) square foot or less.
- (3) If applicable, no sign shall be erected or altered unless it conforms to the Cooks Corner Design Standards, or meets the intent of design guidelines established for the Village Review Overlay Zone, or the Brunswick Landing Design Guidelines (administered by the Midcoast Regional Redevelopment Authority).
- (4) The construction, alteration, maintenance and repair of all signs shall conform to all applicable building and electrical codes adopted by the Town of Brunswick.

B. Nonconforming Signs.

- (1) *Continuance.* A nonconforming sign may be continued even though it does not conform to the requirement of this Ordinance.
- (2) *Change.* Any change in the content of a nonconforming sign shall not constitute a change requiring the sign's compliance with the current sign standards in this Section 4.13 provided that, the sign is not a prohibited sign under subsection 4.13.2.C (Signs Expressly Prohibited), the changes do not make the sign more nonconforming, and a permit is obtained for the changes from the Code Enforcement Officer.
- (3) *Termination of Identified Use or Activity.* If a sign becomes nonconforming because the associated use or activity it identifies is terminated the sign face shall be removed within 30 days after the date the use or activity is terminated. If the sign face is not reused by another use or activity occupying the same site within one (1) year after the termination of the previous use, the entire sign, including all mountings, brackets, poles, sign faces, and other signage material, shall be removed.
- (4) *New Signs and Waivers.* New signs may be proposed for a site that contains nonconforming signs, provided that all new signs comply with this Section 4.13. The Review Authority may waive sign standards to allow new signs on a site containing nonconforming signs provided it finds that extenuating circumstances render compliance with this Section 4.13, infeasible or impractical, and that the signage plan for the entire site furthers the spirit and intent of this Ordinance by reducing visual clutter, or otherwise improves the aesthetic appearance of the signage on site by bringing the overall site into closer compliance with the requirements of this Section 4.13.

-
- (5) *Restoration and Reconstruction.* Any nonconforming sign that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition provided that a permit for the restoration or reconstruction is obtained within one (1) year after the date of destruction or damage, and no existing nonconformity is increased and no new nonconformity is created. Any restoration or reconstruction of the sign approved more than one (1) year after the destruction or damage shall comply with all requirements of this Ordinance.
- C. *Signs Expressly Prohibited.* The following signs are prohibited in all zoning districts:
- (1) Off-premise signs. Except that business directory signs for three (3) or more businesses may be clustered in an off-premises location, to allow for wayfinding at entrances to a development, only when sufficient right, title, and interest is recorded at the Cumberland County Registry of Deeds, and the Planning Board finds that the following are met:
- i. Only one business directory sign is proposed per entrance to a development,
- ii. Signage is equally sized for each respective business and signage shall be subject to standards for Multi-tenant Signs 4.13.3(E)
- iii. All applicable Section 4.13 requirements are met
- The Code Enforcement Officer or his/her duly authorized representative has the authority to immediately remove any unauthorized off-premise sign.
- (2) Flashing illuminated signs, with the exception of Changeable Message signs allowed in Subsection 4.13.3.D.
- (3) Moving signs, including but not limited to inflatable/expandable object signs, wind/feather signs, streamers, pennants, large bundles of balloons [more than six (6)] and other signs with moving parts meant to attract the attention of the general public.
- (4) Roof signs.
- (5) Portable signs.
- (6) Distracting glare signs.
- (7) Signs located in, on, or projecting over any public right-of-way with the exception of signs as permitted in Subsection 4.13.2.D.
- D. *Exemption of Town Council-Authorized Signs.* Signs authorized by the Brunswick Town Council for installation on town-owned or leased property, or over public rights-of-way shall be permitted.
- E. *Calculation of Size of Sign.*
- (1) *Two-Sided Sign.* Only one (1) side of a sign shall be counted when determining the size of a two-sided sign.
- (2) *Signs Within or on Structures.* When the graphic representation of the sign occurs on a sign board, the size of the sign shall include the square footage of the sign board. For illuminated signs, all proportions of the sign that are illuminated shall be included in the square footage. Where individual sign graphics are attached to a structure and no sign board is used, the sign area is the sum of the areas of each of the graphic elements.
- F. *Illumination.*
- (1) *Directly Illuminated Signs.*
- a. The light emitted from a directly illuminated sign shall not result in light trespass beyond the intended area of illumination.

-
- b. Directly illuminated signs located in Growth Residential or any Rural zoning district are permitted only between the hours of 7:00 am and 11:00 pm or during hours open to the public, whichever is less.
 - (2) *Internally Illuminated Signs.* Internally illuminated signs are permitted only in the GM4, GM5, GM7, GM8 (Bath Road only), GA, and GI zoning districts.
 - (3) *Tube Illuminated Signs.* Tube illuminated signs, including neon signs, shall not result in excessive light trespass or glare in accordance with Subsection 4.14.1.J.
 - G. *Maximum Sign Size.* No sign shall exceed 200 square feet, except for:
 - (1) Any sign for which a smaller sign area is indicated in this Section 4.13; and
 - (2) Wall signage on structures greater than 30,000 square feet, which shall not exceed 250 square feet.
 - H. *Sign Maintenance.* All signs shall be maintained pursuant to Section 4.15 (Maintenance).

4.13.3. Standards for Sign Types Requiring Permits.

Signs are permitted as indicated in each Subsection below subject to a permit issued by the Code Enforcement Officer. The permit application shall indicate the type, size, and location of the sign and shall be accompanied by a fee as determined by the Town Council.

- A. *Awning Signs.*
 - (1) The area of an awning sign shall not be included in the total building sign area permitted by this Ordinance.
 - (2) The total area of awning signage shall not exceed one (1) square foot for each one (1) linear foot of awning width up to a maximum of 16 square feet.
 - (3) A vertical clearance of no less than eight (8) feet shall be maintained for all parts of an awning.
- B. *Campus-Type Signs.* The following signage is permitted on parcels of land developed in a campus-type environment and shall supersede standards for the specific sign type.
 - (1) *Vehicle Entrance Signs.* A freestanding pole or monument sign may be located at main vehicular entrances to the campus. Each sign shall comply with the following standards:
 - a. Freestanding pole signs shall not exceed 25 square feet in total sign area nor exceed 15 feet in height.
 - b. Freestanding monument signs shall not exceed 32 square feet in total sign area nor exceed ten (10) feet in height.
 - c. Vehicle entrance signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street nor create or aggravate a traffic hazard.
 - d. For a campus-type parcel with multiple vehicular entry points, additional vehicle entrance signs, installed in accordance with Subsections a through c above, may be sited at each vehicular entry point.
 - (2) *Interior Campus Signs.* Interior campus signs may be installed and shall comply with the following standards:
 - a. Interior campus signs shall not exceed 15 square feet in size nor exceed ten (10) feet in height.

-
- b. Interior campus signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street, nor create or aggravate a traffic hazard.
 - c. Internal campus signs not exceeding a total sign area of six (6) square feet nor ten (10) feet in height are exempt from the requirement of obtaining a sign permit.
 - C. *Canopy Signs.* Canopy signs are allowed in addition to other types of signs permitted by this Section 4.13. The sign area shall not extend beyond the edges of the canopy and shall comply with one (1) of the two (2) following alternative provisions:
 - (1) The total sign area shall not exceed nine (9) percent of the total square footage of all sides of the canopy with no more than two (2) signs located anywhere on the canopy.
 - (2) The total sign area shall not exceed 15 percent of the area of the side of the canopy on which it is located with no side containing more than one (1) sign.
 - D. *Changeable Message Signs.* All changeable message signs shall comply with the following standards.
 - (1) Changeable message signs shall only be permitted in the GM4, GM5, and GM8 (Bath Road frontage only) zoning districts.
 - (2) Each sign shall meet the dimensional requirements per Section 4.13 of this Ordinance.
 - (3) Messages shall remain fixed on the display surface for not less than five (5) seconds and may transition as rapidly as technologically practicable, but not to exceed a transition time of one (1) second, with no phasing, rolling, scrolling, flashing, or blending of content.
 - (4) Such signs shall be equipped with a sensor or other device that automatically determines the ambient illumination conditions and be programmed to automatically dim the sign illumination to not exceed the ambient light conditions by more than 0.3 foot candles. The Code Enforcement Officer shall use the Illumination Measurement Criteria in accordance with the "Night-time Brightness Levels for On-Premise Electronic Message Centers" as recommended by the International Sign Association dated April 2011, as amended, which is on file in the Department of Planning and Development office.
 - (5) Such signs shall not be visible from a controlled-access highway or ramp.
 - E. *Multi-tenant Signs.* Multi-tenant signs are permitted at major entrances to multi-tenant developed properties and shall comply with the sign type standards in this Ordinance and may exceed such standards as follows:
 - (1) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI zoning districts a multi-tenant sign may consist of 25 square feet per tenant; not to exceed a cumulative sign area of 200 square feet nor 15 feet in height.
 - (2) In the GM6, GM8 (excluding Bath Road frontage lots) and RM zoning districts a multi-tenant sign may consist of 18 square feet per tenant, not to exceed a cumulative sign area of 54 square feet nor 12 feet in height.
 - F. *Monument Signs.*
 - (1) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI zoning districts the size of the face of a monument sign shall not exceed 32 square feet nor a height of ten (10) feet.
 - (2) In the GC2 and 3, GM6, GM8 (excluding Bath Road frontage lots) and RM zoning districts the size of a monument sign shall not exceed 18 square feet nor a height of eight feet. The maximum height of a monument sign is ten (10) feet.

-
- (3) In all other zoning districts the height of a monument sign shall not exceed six (6) feet nor 12 square feet in size.
 - (4) Only one (1) monument sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) monument sign is permitted.
 - G. *Tube illuminated Window Signs.* Tube illuminated signs, including neon signs, that are placed inside a window are permitted, and shall not exceed 25 percent of the glass area of the window on which the sign is to be placed.
 - H. *Multiple-Driveway Signs.* A multiple-driveway sign may not exceed two (2) square feet in area and shall be placed so as not to impede sight distance.
 - I. *Pole Signs.*
 - (1) Only one (1) pole sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) pole sign is permitted.
 - (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the height of the pole sign shall not exceed 15 feet and the size of a pole sign shall not exceed 25 square feet.
 - (3) In the GM6, GM8 (excluding lots with Bath Road frontage), GC2 and 3, and RM zoning districts, the height of a pole sign shall not exceed ten (10) feet and the size of the pole sign shall not exceed 18 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.
 - (4) In all other zoning districts the height of a pole sign shall not exceed ten (10) feet and the size of a pole sign shall not exceed 15 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.
 - (5) Pole signs shall be set back at least five (5) feet from a side or rear property line.
 - J. *Projecting Signs.*
 - (1) In all Growth Residential (GR) zoning districts, GM6, and GM8 (excluding lots with Bath Road frontage) zoning districts, Growth College (GC) zoning districts, and Rural Area zoning districts the size of a projecting sign shall not exceed six (6) square feet and the sign shall not project more than three (3) feet beyond the wall to which it is attached.
 - (2) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI zoning districts, the size of a projecting sign shall not exceed 25 square feet.
 - (3) Where a projecting sign projects over a sidewalk, it must clear the sidewalk by at least eight (8) feet.
 - (4) Any use that contains a projecting sign may not contain a pole sign, unless the projecting sign is located 50 feet or more from a public right-of-way.
 - (5) Projecting signs shall not be placed above the first story of a structure unless it is related to a use that occurs above the first floor. Where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.
 - K. *Wall Signs.*
 - (1) No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.
 - (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI zoning districts, each establishment shall be allowed wall signage not to exceed a total of 25

square feet. However establishments occupying a portion of the building's principal façade shall be allowed wall signage not to exceed 25 square feet or ten (10%) percent of that portion of the principal façade occupied by that establishment, whichever is greater.

- (3) In the GM6, GM8 (excluding lots with Bath Road frontage), GC2, GC3 and RM zoning districts, wall signs shall not exceed 16 square feet. Wall signs shall be placed on the building floor level of which the establishment is located.
- (4) In all other zoning districts, each establishment shall be allowed wall signage not to exceed a total of 16 square feet. However, establishments occupying a portion of the building's principal façade shall be allowed wall signage not to exceed 16 square feet or ten (10) percent of that portion of the principal façade occupied by that establishment, whichever is greater.

4.13.4. Temporary Signs Allowed and Not Subject to Permitting.

Temporary signs are permitted as indicated below and are not subject to a permit. Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or create a hazard or nuisance to the general public.

A. Sidewalk or Sandwich Signs.

- (1) Sidewalk or sandwich signs, including but not limited to, easel signs and other similar signs are permitted in any district and shall be made of durable materials (i.e., not of cardboard or paper).
- (2) Such signs shall be placed to allow at least five (5) feet of sidewalk width for unrestricted pedestrian movement and shall not create a vehicular traffic hazard.
- (3) Such sign shall not exceed eight (8) square feet in size per side.
- (4) Only one (1) sign per establishment is permitted and shall be removed each day at the close of business.

B. Freestanding/Yard Signs.

- (1) The size of a freestanding/yard sign shall not exceed eight (8) square feet in GN, GR1-10, RR, RN, RF and RP1-2 Districts nor 24 square feet in all other zoning districts.
- (2) With the exception of political signs, a freestanding/yard sign may be placed on-premise no more than three (3) days prior to the activity and shall be removed within three (3) days of the end of the activity.
- (3) Political signs on private property may remain indefinitely, and shall not be located on Town-owned property, including but not limited to rights-of-way, schools, parks, cemeteries.
- (4) Freestanding/yard signs are prohibited to be located within a public right-of-way.

C. Window Signs. Window signs are allowed provided they are placed on the inside of the window and occupy no more than 25 percent of the glassed area of the window on which the sign is to be placed.

D. Flag Signs. A flag sign is allowed in all zoning districts so long as such sign is attached to a structure.

4.13.5. Special Event Signs Requiring Notice to Code Enforcement Officer.

- A. Prior to installing any special event sign, the building occupant or property owner shall submit written notification to the Code Enforcement Officer of the proposed sign's installation and removal.
- B. No individual building occupant or property owner may install a special event sign for more than 90 days within a calendar year, provided that special event or notice signs for an event exceeding 90 days in length may remain in place for (a) a period not to exceed five (5) calendar days immediately following the

conclusion of the event, or (b) 180 days per calendar year, whichever is less, upon written approval by the Code Enforcement Officer.

- C. Special event signs shall not interfere with pedestrian or vehicular access.
- D. Special event signs shall be located on the property of which the special event is to take place.

4.13.6. *Special Requirements Signs.*

The following signs are allowed subject to special requirements without obtaining a permit from the Code Enforcement Officer.

- A. *Public Safety Signs.* Governmental bodies may erect and maintain signs necessary for the public safety and welfare, or as required by law, Ordinance or government regulation.
- B. *Banners.* Town Council permission is required to raise a banner over a Town-owned public right-of-way and the Town Council or its designee may restrict where and when such banners may be displayed.
- C. *Official Business Directional Signs.* An Official Business Directional Sign visible from a public way may be erected or maintained in the Town of Brunswick in accordance with the following standards and with applicable provisions of the Maine Traveler Information Services Act (23 M.R.S.A. § 1901-1925, as amended) and any related regulations of the Maine Department of Transportation (MDOT), not inconsistent with the provisions of this Section 4.13.
 - (1) *Qualifying Uses.* The following uses are qualifying uses:
 - a. Public and private schools and colleges.
 - b. Airports.
 - c. Cultural facilities and historic monuments.
 - d. Recreational facilities.
 - e. Municipal and other government facilities.
 - f. Nonprofit organizations.
 - g. Public accommodations and commercial businesses.
 - h. Retail agricultural operation.
 - (2) *Number of Signs.* Not more than four (4) official business directional signs may be permitted per each qualified use.
 - (3) *Placement of Signs.* Official Business Directional Signs may not be installed on a State-Aid highway/road frontage, a Bath Road frontage, in the GM6 zoning district, the Village Review Overlay District, or the Maine Street or Park Row right-of-way.
 - (4) *Additional Requirements.* The following additional requirements shall apply to Official Business Directional Signs:
 - a. Official Business Directional Signs shall be a standard size of 12"x48".
 - b. To obtain a permit for an Official Business Directional Sign, the business, service facility, or point of interest must be located within a five-mile radius of the proposed location of the sign.
 - c. The background color of all signs shall be blue and shall be in accordance with the highway blue color tolerance charts PR-Color#3. All legends and borders shall be silver.

-
- d. All Official Business Directional Signs, apart from those proposed for Route 1 or Interstate 295, must direct travelers to a Brunswick based business, service facility or point of interest.
 - e. The minimum distance between Official Business Directional Signposts shall be at least 300 feet as measured along the shortest straight line.
 - f. No Official Business Directional Sign shall be placed closer than 200 feet from the property line of a commercial business offering directly competing goods or services.
 - g. An Official Business Directional Sign shall be located no closer than 200 feet, nor further than 2,500 feet, from an intersection where a change in direction as indicated on said sign is required.
 - h. No more than three (3) Official Business Directional Signs may be attached to an individual signpost assembly. No new signpost assembly shall be installed until existing signpost assemblies suitable for any newly proposed Official Business Directional Sign contain the maximum number of permitted signs.
- (5) *Permitting and approval process.* Any entity wishing to erect an Official Business Directional Sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Code Enforcement Officer certifying compliance with the Town's Zoning Ordinance and the approval of the Town's Police and Public Works Departments.

Town of Brunswick, Maine

Item 15

Back up
materials

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Town Council
Julia Henze, Town Manager

FROM: Julie Erdman, Director of Planning & Development
Jimmy Dealaman, Principal Planner

DATE: February 6, 2026

SUBJECT: LD1829 Resolution

I. INTRODUCTION

In response to LD 1829, a state omnibus housing bill enacted by the Maine Legislature in June 2025, the Town of Westbrook is working to build a coalition of southern Maine communities seeking greater state support to address the financial burdens these laws will place on municipalities. Staff are presenting a draft resolution (Attachment 1) for the Council's consideration. If adopted, the resolution would be shared with the Legislature alongside similar concerns and feedback from other participating communities.

II. BACKGROUND INFORMATION

LD 1829, *An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses* (Attachment 2), was enacted with the intent of increasing housing supply through expanded housing density statewide. While the Town supports the goal of addressing Maine's housing shortage, several provisions of the law raise concerns for municipalities, including:

- **Lack of differentiation among communities:** The law does not distinguish between municipalities that have already approved substantial housing development and those with limited recent growth, despite varying local conditions and capacities.
- **Infrastructure capacity and funding challenges:** Mandated density increases may exceed existing municipal infrastructure capacity—including water, sewer, stormwater, transportation, and schools—requiring significant capital investments without a dedicated state funding mechanism.
- **Limitations on growth management tools:** The prohibition on growth caps in designated growth areas removes an important tool used by municipalities to align development with infrastructure capacity and comprehensive planning goals.
- **Development pressure outside growth areas:** Allowing increased density outside designated growth areas where water and sewer are available may conflict with established growth management principles and increase the risk of sprawl.
- **Increased administrative burden:** Required ordinance amendments and mandatory planning board training impose additional administrative and financial demands, particularly on communities with limited staff resources.
- **Restrictions on impact fees:** Limitations on impact fees constrain municipalities' ability to fund necessary infrastructure improvements associated with state-mandated growth, shifting costs to local taxpayers.

- **Impacts on locally adopted comprehensive plans:** The prescriptive nature of LD 1829 undermines locally driven planning process and the principles of home rule that are fundamental to the State of Maine's system of governance.

The attached resolution is intended to formally express these concerns and request corrective legislative action and additional state support to ensure that housing policy advances its goals while remaining aligned with local planning and infrastructure capacity.

III. REQUESTED ACTIONS

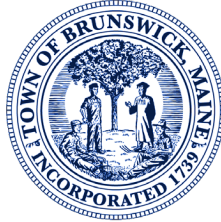
- It is requested that the Town Council vote to adopt the attached resolution regarding LD1829.

IV. ATTACHMENTS

Attachment 1. Draft Resolution

Attachment 2. LD1829

Town of Brunswick, Maine



TOWN COUNCIL

RESOLUTION REGARDING LD 1829: AN ACT TO BUILD HOUSING FOR MAINE FAMILIES AND ATTRACT WORKERS TO MAINE BUSINESSES BY AMENDING THE LAWS GOVERNING HOUSING DENSITY

WHEREAS, the Town of Brunswick recognizes that Maine faces a significant and ongoing housing shortage that affects residents, workers, families, and the overall economic vitality of our communities; and

WHEREAS, the Town of Brunswick is committed to being part of the solution to Maine's housing shortage and supports thoughtful, locally responsive efforts to increase housing supply and affordability; and

WHEREAS, the Maine Legislature enacted LD 1829 in June 2025 with the stated intent of building housing for Maine families and attracting workers to Maine businesses by expanding allowable housing density statewide; and

WHEREAS, while the Town of Brunswick supports the goals of increasing housing supply, the prescriptive implementation requirements of LD 1829 present critical challenges that threaten our ability to manage growth responsibly and maintain the quality of life our residents expect; and

WHEREAS, the Town of Brunswick has been a regional leader in housing production, the Brunswick Planning Board has approved 771 housing units in the last four years, yet LD 1829 does not distinguish between municipalities with demonstrated housing production and those with limited or no recent development activity; and

WHEREAS, the mandated density increases under LD 1829 exceed the capacity of existing municipal infrastructure to support new growth, including water systems, sewer systems, stormwater management, transportation networks, and schools, thereby necessitating capital investments that exceed local budget capacity and will require significant state financial support; and

WHEREAS, the Town of Brunswick has adopted a Climate Action Plan that supports an incremental approach to increasing strategic density to promote sustainable, accessible and climate resilient neighborhoods; and

WHEREAS, LD 1829 encourages growth outside of growth areas if served by water and sewer, despite established planning best practices that direct new development towards growth areas while preserving rural lands and natural resources; and

WHEREAS, the prohibition on growth caps in designated growth areas eliminates a critical tool that municipalities have used to align development with infrastructure capacity and comprehensive planning; and

WHEREAS, LD 1829 requires repeated ordinance amendments and mandatory planning board training, imposing significant administrative and financial burdens on municipalities, particularly smaller and rural communities that rely on volunteer planning boards and lack dedicated professional planning staff; and

WHEREAS, restrictions on impact fees under LD 1498 prevent municipalities from funding the broader infrastructure upgrades necessary to support growth mandated by LD 1829, further shifting costs to local taxpayers and limiting municipal fiscal flexibility; and

WHEREAS, the Town of Brunswick has developed its comprehensive plan through extensive community engagement to reflect local priorities, environmental constraints, and a vision for the community's future, and LD 1829's one-size-fits-all approach undermines this locally driven planning process and the principles of home rule that are fundamental to the State of Maine's system of governance;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Brunswick hereby:

1. **Expresses significant concern** regarding the challenges presented by LD1829 presents to responsible growth management, infrastructure planning, and comprehensive planning;
2. **Calls upon** the Maine Legislature to enact corrective legislation that:
 - Establishes a dedicated, multi-year state infrastructure funding program to support municipalities experiencing mandated growth;
 - Allows municipalities that meet or exceed growth requirements under the Growth Management Act to continue employing reasonable growth management tools;

- Clarifies the interaction between LD 1829's prohibition on growth cap and the Rate of Growth law to avoid unintended sprawl and development pressure in rural areas;
 - Eliminates the lot size and density mandates for areas outside designated growth areas that are served by sewer and water;
 - Strengthens and clarifies housing affordability requirements to ensure that increased density results in attainable housing for Maine residents;
 - Revises impact fee restrictions to allow municipalities to fund necessary infrastructure improvements associated with new development; and
 - Provides adequate, ongoing funding for technical assistance and capacity building for municipalities and regional planning organizations;
3. **Requests** that the Legislature work collaboratively with municipalities, regional planning organizations, and municipal associations to refine the law, enhance state-municipal communication, and ensure that housing policy achieves affordability goals while respecting local planning authority and infrastructure constraints;
4. **Directs** the Town Manager to forward copies of this resolution to:
- Speaker of the Maine House of Representatives Ryan Fecteau
 - Brunswick State Senator: Matthea Daughtry
 - Brunswick State Representatives: Poppy Arford, Daniel Ankeles and Cheryl Golek
 - Governor Janet Mills
 - Maine Municipal Association
 - Midcoast Council of Governments

ADOPTED this [___] day of February, 2026.

Nathan MacDonald, Chair Brunswick Town Council

Fran Smith, Brunswick Town Clerk

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 1224 - L.D. 1829

**An Act to Build Housing for Maine Families and Attract Workers to Maine
Businesses by Amending the Laws Governing Housing Density**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2463-B is enacted to read:

§2463-B. Fire protection in accessory dwelling units

Fire suppression sprinklers are not required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure of more than 2 dwelling units, including accessory dwelling units. As used in this section, "accessory dwelling unit" has the same meaning as in Title 30-A, section 4301, subsection 1-C.

Sec. 2. 30-A MRSA §4301, sub-§1-C, as enacted by PL 2019, c. 145, §1 and reallocated by RR 2019, c. 1, Pt. A, §36, is amended to read:

1-C. Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit or multi-unit structure located on the same parcel of land.

Sec. 3. 30-A MRSA §4360, sub-§2, as enacted by PL 2003, c. 127, §1, is amended to read:

2. Differential ordinances. A municipality may enact rate of growth ordinances that set different limits on the number of building or development permits that are permitted in designated rural areas ~~and designated growth areas~~. A municipality may not enact rate of growth ordinances that limit residential development in designated growth areas, as defined in section 4301, subsection 6-C, except as authorized by this chapter.

Sec. 4. 30-A MRSA §4364, sub-§2, as enacted by PL 2021, c. 672, §4, is amended to read:

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality ~~consistent with section 4349-A, subsection~~

~~1, paragraph A or B~~ as identified in a comprehensive plan adopted pursuant to this subchapter or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A, as applicable.

Sec. 5. 30-A MRSA §4364, sub-§2-A is enacted to read:

2-A. Additional height allowance. Except as otherwise prohibited under Title 38, chapter 3 and municipal shoreland zoning ordinances, a municipality shall allow, subject to review by a municipal fire official or designee, an affordable housing development to exceed any municipal height restriction by no less than one story or 14 feet.

Sec. 6. 30-A MRSA §4364, sub-§5, as enacted by PL 2021, c. 672, §4 is amended by enacting at the end a new first blocked paragraph to read:

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, additional review or documentation by a municipality related to waste and wastewater requirements before issuing a certificate of occupancy is prohibited.

Sec. 7. 30-A MRSA §4364-A, sub-§1, as amended by PL 2023, c. 192, §6, is repealed and the following enacted in its place:

1. Use allowed. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, a municipality shall allow at a minimum:

A. Three dwelling units, attached or detached, including accessory dwelling units, per lot; and

B. Four dwelling units, attached or detached, including accessory dwelling units, per lot if the lot is located in a designated growth area, as identified in a comprehensive plan adopted pursuant to this subchapter, or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

A municipality may allow more units than the minimum number required by this subsection.

Sec. 8. 30-A MRSA §4364-A, sub-§2, as amended by PL 2023, c. 192, §8, is repealed.

Sec. 9. 30-A MRSA §4364-A, sub-§2-A is enacted to read:

2-A. Lot size and density allowance for private property. Notwithstanding any provision of law to the contrary, except Title 12, chapter 423-A, this subsection applies to any area in which residential uses are allowed, including as a conditional use.

A. If a lot is located in a designated growth area and is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 1,250 square feet of lot area per dwelling unit for the first 4 dwelling units and 5,000 additional square feet of lot area per dwelling unit for subsequent units.

B. If a lot is located outside a designated growth area and in an area served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed 5,000 square feet and a density requirement may not exceed 5,000 square feet of lot area for the first 2 dwelling units contained within a single structure, not including accessory dwelling units.

C. If a lot is located in a designated growth area without a public, special district or other comparable sewer system, a minimum lot size requirement may not exceed the minimum lot size required by Title 12, chapter 423-A and the density requirement or calculation may not be more restrictive than required by Title 12, chapter 423-A.

If 4 or fewer dwelling units have been constructed on a lot as a result of the allowances under this section or section 4364-B, the lot is not eligible for any additional increases in density, including under section 4364, unless more units are allowed by the municipality.

Sec. 10. 30-A MRSA §4364-A, sub-§3, as amended by PL 2023, c. 192, §9, is repealed and the following enacted in its place:

3. General requirements. Except as provided in this section, a municipal ordinance may not establish dimensional requirements for multiple units allowed by this section that are greater than dimensional requirements required for single-family dwelling units. As used in this subsection, "dimensional requirements" means requirements that govern the size and placement of structures, including building height, lot area, minimum frontage, lot depth and setbacks.

Sec. 11. 30-A MRSA §4364-A, sub-§4, as enacted by PL 2021, c. 672, §5, is amended by enacting at the end a new first blocked paragraph to read:

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, additional review or documentation by a municipality related to waste and wastewater requirements before issuing a certificate of occupancy is prohibited.

Sec. 12. 30-A MRSA §4364-A, sub-§5-A is enacted to read:

5-A. Planning board approval not required. A municipality may not require planning board approval for 4 or fewer dwelling units within a structure.

Sec. 13. 30-A MRSA §4364-B, sub-§1, as amended by PL 2023, c. 192, §12, is further amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit or multi-unit structure in any area in which residential uses are permitted, including as a conditional use, in accordance with this section.

Sec. 14. 30-A MRSA §4364-B, sub-§2, ¶B, as enacted by PL 2021, c. 672, §6, is amended to read:

B. Attached to or sharing a wall with a single-family dwelling unit or multi-unit structure; or

Sec. 15. 30-A MRSA §4364-B, sub-§3, as amended by PL 2023, c. 192, §15, is further amended to read:

3. Zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and

~~B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section, the lot is not eligible for any additional increases in density except as allowed by the municipality; and~~

C. An accessory dwelling unit is must be allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity.

Sec. 16. 30-A MRSA §4364-B, sub-§4, ¶A, as enacted by PL 2021, c. 672, §6, is amended to read:

A. A municipality shall exempt ~~an~~ one accessory dwelling unit on a lot from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

Sec. 17. 30-A MRSA §4364-B, sub-§4, ¶E is enacted to read:

E. A municipality shall allow the construction or occupancy of an accessory dwelling unit on a lot even if the owner of the lot where the accessory dwelling unit is located does not reside in a dwelling unit on that lot.

Sec. 18. 30-A MRSA §4364-B, sub-§7, as enacted by PL 2021, c. 672, §6, is amended by enacting at the end a new first blocked paragraph to read:

Upon receipt of written verification from a local plumbing inspector that a housing structure meets the requirements of this subsection, additional review or documentation by a municipality related to waste and wastewater requirements before issuing a certificate of occupancy is prohibited.

Sec. 19. 30-A MRSA §4364-C, sub-§4 is enacted to read:

4. Mandatory training. The municipal reviewing authority and the municipal body hearing zoning appeals, if applicable, shall attend a training on land use planning offered by a state agency or a statewide association representing municipalities or a regional council or municipality within 180 days of appointment or, if a training is not available within the 180-day period, the municipal reviewing authority member and the municipal body hearing zoning appeals must attend the next available training.

Sec. 20. 30-A MRSA §4401, sub-§4, as amended by PL 2023, c. 79, §1, is further amended to read:

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into ~~3~~ 5 or more dwelling units within a 5-year period, the construction or placement of ~~3~~ 5 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into ~~3~~ 5 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter or avoid other applicable municipal requirements, including, but not limited to, road standards and safety.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph ~~can not~~ cannot be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than ~~January 1, 2021~~ July 1, 2027. ~~Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2020 for the definition to remain valid for the grace period ending January 1, 2021. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.~~

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. A mortgage, pledge or other instrument of hypothecation against a dwelling unit or other smaller portion of real property within a parcel that is otherwise defined by this section as a lot does not itself constitute a subdivision for purposes of this section.

J. Unless the intent of a transferor is to avoid the objectives of this subchapter, the division of a tract or parcel of land accomplished by the transfer of any interest in the land to a holder does not create a lot or lots for purposes of this definition if:

(1) The transferred interest, as expressed by conservation easement, binding agreement, declaration of trust or otherwise, is to be permanently held for one or more of the following conservation purposes:

- (a) Retaining or protecting the natural, scenic or open space values of the land;
- (b) Ensuring the availability of the land for agricultural, forest, recreational or open space use;
- (c) Protecting natural resources; or
- (d) Maintaining or enhancing air quality or water quality; and

(2) The transferred interest is not subsequently further divided or transferred except to another holder.

As used in this paragraph, "holder" has the same meaning as in Title 33, section 476, subsection 2.

Sec. 21. 30-A MRSA §4402, sub-§6, as amended by PL 2019, c. 174, §2, is further amended to read:

6. Division of new or existing structures. Beginning ~~July 1, 2018~~ January 1, 2026, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review.

A. For the purposes of this subsection, "municipal site plan review" means review under a municipal ordinance that sets forth a process for determining whether a development meets certain specified criteria, which must include criteria regarding stormwater management, sewage disposal, water supply and vehicular access and which may include criteria regarding other environmental effects, layout, scale, appearance and safety.

B. The municipal reviewing authority in each municipality shall determine whether a municipal site plan review ordinance adopted by the municipality meets the requirements of paragraph A.

Sec. 22. Training of current members. Notwithstanding the Maine Revised Statutes, Title 30-A, section 4364-C, subsection 4, a member of a municipal reviewing authority or municipal body hearing zoning appeals holding office on the effective date of this Act shall attend a training as described in Title 30-A, section 4364-C, subsection 4 within 180 days of the effective date or, if a training is not available within the 180-day period, must attend the next available training.

Sec. 23. Application. Notwithstanding any provision of law to the contrary, except for those sections of this Act that enact the Maine Revised Statutes, Title 25, section 2463-B, amend Title 30-A, section 4301, subsection 1-C and enact Title 30-A, section 4364-C, subsection 4, this Act applies to municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality beginning July 1, 2026 and applies to all other municipalities beginning July 1, 2027.

Town of Brunswick, Maine

Item 16

Back up
materials

Town of Brunswick, Maine

Marine Resources Committee

MEMORANDUM

TO: Town Council
FROM: Fran Smith, Town Clerk
DATE: February 5, 2026
CC: Julia Henze, Town Manager
Katie Sellers-Reynolds, Chair, Shellfish Committee
Dan Devereaux, Coastal Resources Manager
SUBJECT: Establishing Shellfish Licenses Allocations for 2026-27

According to Chapter 11, Section 11-140 of the Municipal Codes, the Town Council is required to determine the number of shellfish licenses for the upcoming licensing year by no later than the third Monday in February, pending final approval from the Department of Marine Resources. The process for establishing the number of licenses that the resource can support is outlined in Section 11-112, titled "Annual Shellfish License Establishment." This process utilizes a formula based on the harvestable standing crops, the daily average harvest, and the number of annual harvest days to calculate the maximum number of commercial licenses available.

The Shellfish Committee reviewed the relevant data and licensing recommendations during their meeting on February 3, 2026. They made the following decisions regarding the 2025-26 licensing year:

“Member Melendy moved, Member DiBiase seconded, to recommend the following allocation of shellfish licenses to the Town Council:

- 68 Commercial licenses (60 resident, 7 nonresident, 1 Bushel)
- 9 Student licenses (8 resident, 1 nonresident, two-bushel limit)
- 2 Student Apprentice licenses (1 resident, 1 nonresident)
- Unlimited recreational licenses (10% for nonresidents)
- Unlimited day licenses (no residency restrictions)

The motion carried with five (5) yeas.

Below are the numbers of licenses that were set for last year (2024-25) as a reference point, and we will be able to provide more detail, if necessary, for the changes as part of the presentation:

- 68 Commercial licenses (60 resident, 7 nonresident, 1 bushel)
- 10 Student licenses (9 resident, 1 nonresident, two-bushel limit)
- Unlimited recreational licenses (10% for nonresidents)
- Unlimited day licenses (no residency restrictions)

Attached to this memo are copies of Chapter 11, Section 11-112, and a memo from the Coastal Resources Manager outlining the data and concluding with the recommendation for a license.

Chapter 11 - MARINE ACTIVITIES, STRUCTURES AND WAYS
ARTICLE III. SHELLFISHING

Sec. 11-112. Annual Shellfish License Establishment

Managing the amount of harvesting effort through annual license allocations, based on data from shellfish population surveys, is a crucial tool for ensuring sustainability. To determine the annual license numbers, the following procedures must be conducted:

- a. Shellfish surveys. A shellfish inventory including all growing areas within the Town of Brunswick jurisdiction, to be completed annually in accordance with Sec. 11-111.
- b. Harvestable Standing Crop analysis, as determined by the shellfish population surveys to determine the estimated number of harvestable shellfish, in bushels.
- c. Local historical harvest data that provides information on the average amount of daily commercial harvests in bushels, as determined by the most recent DMR harvest data or Town of Brunswick shellfish landing reports.
- d. Number of harvest days as determined by an analysis of historical fishing days allotted, seasonal weather events, conservation closures, and any flood or red tide closures.
- e. The number of Commercial licenses will be based on the total estimated Harvestable Standing Crop in bushels, daily commercial average of harvestable bushels, and the estimated annual harvest days. The number of commercial licenses to be issued each (licensing year) equals the estimated Harvestable Standing Crop in bushels divided by the commercial average harvest in bushels, divided by the annual harvest days). An example is provided below:

A. Harvestable Standing Crop = XXX bushels

B. Daily commercial average harvest = YYY bushels

C. Annual harvest days = ZZZ days

D. Max # Commercial Licenses = QQQ Licenses

E. Formula = $XXX / YYY / ZZZ = QQQ$

For example, if:

XXX = 20,000 bushels, and

YYY = 2 bushels, and

ZZZ = 200 days, then

$QQQ = (20,000)/(2)/(200) = 50$ Commercial Licenses



Town of Brunswick, Maine

INCORPORATED 1739
Coastal Resource Office
85 UNION STREET
BRUNSWICK, MAINE 04011

TELEPHONE 207-721-4027 FAX 207-725-6627
Email – ddevereaux@brunswickme.org

Daniel Devereaux
Coastal Resource
Manager

February 9, 2026

TO: Brunswick Town Council

CC: Julia Henze, Town Manager; Fran Smith, Town Clerk; Katheryn Sellers-Reynolds, Shellfish Committee Chair; Dan Syvlain, Marine Resource Officer

FROM: Daniel Devereaux, Coastal Resource Manager

RE: 2026 Shellfish License Allocations

Brunswick Town Council Members,

This memorandum explains how the Town of Brunswick establishes the number of shellfish licenses issued annually, as required under the Town of Brunswick Code of Ordinances, Chapter 11, Article III (Shellfishing), Division 3 (Shellfish Resource Survey), Section 11-112, *Annual License Establishment*.

Section 11-112 requires that annual license allocations be based on a multi-step analysis of shellfish resource conditions, harvest capacity, and historical access limitations. The required procedures and the Town's 2025–2026 findings are summarized below.

1. Shellfish Resource Surveys

An annual shellfish inventory of all growing areas within the Town's jurisdiction (approximately 1,640 acres) must be completed in accordance with Section 11-111 Shellfish Surveys.

Between July 1 and December 1, Town staff conducted shellfish inventory surveys for softshell clams and hardshell clams across all productive growing areas in Brunswick. Surveys were conducted using the protocols established in Section 11-111 and the Maine Department of Marine Resources (DMR) *Shellfish Management Handbook*.

2. Harvestable Standing Crop Analysis

Shellfish population data are analyzed to estimate the total harvestable standing crop, expressed in bushels.

- A total of 545 survey plots were analyzed across 726 productive acres.
- Survey data included measurements of 5,409 individual softshell clams and 455 individual hardshell clams.

Based on this inventory, the estimated **2025 harvestable standing crop** is:

- **Softshell clams:** 61,116 bushels
- **Hardshell clams:** 8,611 bushels

3. Historical Harvest Data

Local historical harvest data are used to determine average daily commercial harvest levels, based on DMR landings data and Town shellfish landing reports.

Based on historical data and daily harvest observations from the Shellfish Warden, the estimated **average daily harvest** is:

- **Softshell clams:** 3.0 bushels per day
- **Hardshell clams:** 1.5 bushels per day

4. Determination of Annual Harvest Days

The number of available harvest days is determined through analysis of historical fishing days, seasonal weather conditions, reoccurring conservation closures, and emergency or environmental closures.

The Coastal Resource Office reviewed all relevant data related to conservation closures, rainfall-based closures, red tide events, and programmatic harvest limitations. Key considerations include:

- **Rainfall Conditional Closures (>1 inch/24 hours):**
Northeast Maquoit Bay is the only area subject to this condition. In 2025, four conditional closures resulted in 49 days of inaccessibility in Maquoit Bay. These days are *not* deducted from total harvest days because other Brunswick harvest areas remained open.
- **Seasonal Closures:**
 - Maquoit Bay (677 acres): October 1 – December 1
 - Harpswell Cove (120 acres): July 1 – September 10
 - Upper New Meadows River (85 acres): May 1 – November 15
 - Mere Point Bay (117 acres): April 15 – October 31

Seasonal closure days are *not* deducted from harvest day totals because other areas remain open during these periods.

- **Emergency Closures:**
On August 21, 2024, DMR enacted an emergency closure in Harpswell Cove due to

an AFFF spill at Brunswick Landing Airport. The area already contains existing permanent and seasonal closures. Following coordination with Maine DEP and DMR and extensive shellfish testing, the area was returned to its seasonal harvest rotation on September 30, 2025. Emergency closure days are *not* deducted because other harvest areas remained open.

- **Flood Closures (>2 inches/24 hours):**
There were no flood closures in 2025. Flood closures are deducted from harvest day totals because all Town harvest areas are closed during these events.
- **Red Tide Closures:**
No red tide closures occurred in Brunswick during the 2025 season. Red tide closures would be deducted because all harvest areas are closed during such events.
- **Conservation Closures:**
 - Annual winter hardshell clam conservation closure (December 31 – April 1): 90 days

Reoccurring species conservation closures are deducted from harvest day totals only for that species because they are consistent and town wide. Short-term or area-specific conservation closures are not deducted, as other areas remain open.

- **Seasonal Weather Limitations:**
Winter ice conditions accounted for approximately 30 non-harvestable days in 2025.

Based on this analysis, the estimated **annual harvest days** are:

- **Softshell clams:** 265 days
- **Hardshell clams:** 209 days

5. Commercial License Allocation Formula

Per Section 11-112, the number of commercial shellfish licenses issued annually is calculated using the following formula:

Estimated harvestable standing crop (bushels)

Average daily commercial harvest (bushels)

Estimated annual harvest days

Using this formula and factoring in harvester efficiencies, the 2026 license allocations are as follows:

- Resident Commercial: 60
- Non-Resident Commercial: 7
- Bushel (Senior): 1
- Resident Student Commercial: 8
- Non-Resident Student Commercial: 1
- Resident Commercial Student Apprentice: 1
- Non-Resident Commercial Student Apprentice: 1

- Resident Recreational: No Limit
- Non-Resident Recreational: 10% of resident recreational licenses

Student License Limitation

In accordance with Chapter 11, Article III, Section 11-140(d)(5), student commercial shellfish licenses may not exceed 15% of the total number of commercial licenses issued. If the commercial allocation is fewer than 50 licenses, student licenses may not be issued.

For 2026, the total commercial license allocation is **67 licenses**. Fifteen percent of 67 equals **10 student licenses**, which represents the maximum allowable student allocation for the season.

Town of Brunswick, Maine

Consent Agenda

a)

Back up
materials

Draft
TOWN COUNCIL
Minutes
February 2, 2026
Executive Session 5:45 P.M.
Regular Meeting 6:30 P.M.

Present: Richard Ellis, James Ecker, Corinne Perreault, Kim Anderson, Jennifer Hicks, Ramona Thieme, Steve Weems, Kathy Wilson, and Nathan MacDonald.

Councilors Absent: None

Town Staff Present: Julia Henze, Town Manager; Jay Astle, Assistant Town Manager; Fran Smith, Town Clerk; Sally Costello, Director of Economic Development; Trey Crews, Town Engineer; Chrissy Adamowicz, Project Manager; Ryan Leighton, Public Works Director; James Dealaman, Principal Planner; Julie Erdman, Director of Planning and Development; and video crew.

Chair MacDonald called the meeting to order and asked if the meeting was properly noticed.

Executive Session – 1 M.R.S.A § 405 (6) (C)– Acquisition of Real Property or Economic Development

Councilor Wilson moved, Councilor Ecker seconded, to go into executive session per 1 M.R.S.A § 405 (6) (C)– Acquisition of Real Property or Economic Development. The motion carried with nine (9) yeas.

Meeting Resumed:

Chair MacDonald resumed the meeting and asked for the Pledge of Allegiance.

Adjustments to Agenda

Remove Item 10

Public Comments/Announcements: *(This item was discussed at 6:34 p.m.)*

Councilor Ellis received calls from constituents regarding water issues at Bay Bridge Park and attended a community forum with the Legacy owners for residents. Since then, several areas have been without water. Many people are having issues with water and damage to their homes due to the installation of new water lines and meters.

Councilor Thieme encouraged citizens to complete the Hawthorne School survey, emphasizing the importance of broad participation. Chair MacDonald also contributed to the discussion.

Town Council Minutes

February 2, 2026

Page 2

Shaun Hogan asked about extending Katahdin Drive and housing needs assessments being done. Is there a plan to do this? He expressed his disapproval of the Housing Committee giving \$193,000 to the Wilbur Woods developers, since they are considering an application from the developer.

Carolyn Eklund thanked the Councilors for their dedication to various town projects. Despite differences in opinion, she noted the Council's willingness to listen. She urged citizens to remain strong and spoke out against the actions of ICE.

Jim Trusiani discussed the central fire station project and its progress with Developers Collaborative. He cited examples where he believed the project was not proceeding correctly and addressed the town's involvement.

Poppy Arford, speaking as a neighbor, shared concerns she heard from asylum seekers who are afraid to go to work due to fears of being detained. She asked if anything can be done to support these individuals.

Jennifer Navarro expressed support for ICE and advocated for maintaining governance in Brunswick. She raised public safety concerns regarding Thomas Point Road near Tedford Shelter, highlighting the need to repair potholes and ensure fire hydrants are cleaned.

MANAGER'S REPORT *(This item was discussed at 6:56 p.m.)*

a) Snowstorm 1/25-27

Manager Henze provided this update and responded to questions from Councilor Ellis.

b) Capital Improvement Program (CIP) Draft #1

Manager Henze provided this update.

c) Restoration Advisory Board (RAB) Land Use Control Open House and Meeting – February 26, 2026

Manager Henze provided this update and responded to questions from Councilor Hicks.

PUBLIC HEARINGS

- 7. The Town Council will hear public comments to amend Chapter 15 – Traffic and Vehicles, including Article III – Specific Street Regulations and Article IV – Stopping, Standing, and Parking proposing Town Hall Place as a one way street, relocate an existing loading zone, and designate parking on the north side of Town Hall Place as two-hour parking and will take any appropriate action. (Town Engineer)** *(This item was discussed at 7:05 p.m.)*

Chair MacDonald opened the public hearing.

Town Council Minutes

February 2, 2026

Page 3

Engineer Crews introduced this item, and responded to questions from Councilor Ellis, Councilor Hicks, and Councilor Thieme.

Director Costello spoke regarding this item.

Members of the public who spoke:

Jim Trusiani

Jennifer Navarro

Chair MacDonald closed the public hearing

The Council supporting voting tonight by waiving the Council rules.

MOTION:

Councilor Hicks moved, Councilor Thieme seconded, to adopt amendments to Chapter 15 – Traffic and Vehicles, including Article III – Specific Street Regulations and Article IV – Stopping, Standing, and Parking proposing Town Hall Place as a one-way street, relocate an existing loading zone, and designate parking on the north side of Town Hall Place as two-hour parking.

Councilor Ecker, Councilor Perreault, Councilor Ellis, Councilor Wilson, Chair MacDonald, and Councilor Weems speaking or asking questions to which Engineer Crews and Manager Henze responded.

VOTE MOTION:

Councilor Hicks moved, Councilor Thieme seconded, to adopt amendments to Chapter 15 – Traffic and Vehicles, including Article III – Specific Street Regulations and Article IV – Stopping, Standing, and Parking proposing Town Hall Place as a one-way street, relocate an existing loading zone, and designate parking on the north side of Town Hall Place as two-hour parking. The motion carried with eight (8) yeas. Councilor Wilson was opposed.

(A copy of the ordinance will be attached to the permanent record.)

NEW BUSINESS

8. **The Town Council will consider “A Resolution Authorizing the Appropriation of up to \$600,000 in Available Tax Increment Financing (TIF) Revenues from the Downtown Development and Transit-Oriented TIF District for Construction of the Sidewalk on the Lemont Block of Maine Street” and will take any action. (Town Manager) *(This item was discussed at 7:30 p.m.)***

Manager Henze introduced this item and responded to questions from Councilor Ellis and Councilor Hicks.

Councilor Perreault asked questions to which Engineer Crews responded.

Councilor Hicks, Councilor Perreault, and Councilor Ecker spoke regarding this item.

Jennifer Navarro spoke regarding this item.

Councilor Weems and Councilor Ellis asked questions to which Manager Henze responded.

Chair MacDonald asked questions to which Engineer Crew responded.

Chair MacDonald moved, Councilor Weems seconded, to approve “A Resolution Authorizing the Appropriation of up to \$600,000 in Available Tax Increment Financing (TIF) Revenues from the Downtown Development and Transit-Oriented TIF District for Construction of the Sidewalk on the Lemont Block of Maine Street”. The motion carried with nine (9) yeas.

(A copy of the adopted resolution will be attached to the permanent record.)

9. **The Town Council will consider setting a public hearing for February 17, 2026, to adopt zoning amendments related to minimum height requirements (Table 4.2.3), off-street parking along Maine Street frontages in the GM6 district (Sec. 4.9.1.C), façade materials allowed in Village Review Overlay (Sec. 5.2.8.C), and the continuance period for nonconforming uses (Sec. 1.6.3.A) and will take any appropriate action. (Principal Planner) *(This item was discussed at 7:53 p.m.)***

Planner Dealaman introduced this item and responded to questions from Councilor Weems, Councilor Ecker, Councilor Hicks, and Councilor Thieme.

Councilor Wilson moved, Councilor Weems seconded, to set a public hearing for February 17, 2026, to adopt zoning amendments related to minimum height requirements (Table 4.2.3), off-street parking along Maine Street frontages in the GM6 district (Sec. 4.9.1.C), façade materials allowed in Village Review Overlay (Sec. 5.2.8.C), and the continuance period for nonconforming uses (Sec. 1.6.3.A). The motion carried with nine (9) yeas.

10. **(REMOVED) The Town Council will consider setting a public hearing for February 17, 2026, to adopt “An Ordinance Authorizing Acquisition of Property at 2 Industry Road, with Total Project Costs Not to Exceed Two Million Dollars (\$2,000,000), and Further Authorizing Issuance of Bonds in a Amount not to Exceed Two Million Dollars (\$2,000,000), plus any Additional Appropriation Authorized Hereunder” and will take any appropriate action. (Assistant Town Manager and Public Works Director)**

This item was removed from the agenda at the beginning of the meeting.

Town Council Minutes

February 2, 2026

Page 5

- 11. The Town Council will consider appointments to the Town's Boards and Committees and will take any appropriate action. (Appointments Committee) *(This item was discussed at 8:12 p.m.)***

Councilor Anderson provided the following nomination:

Maurice Dionne, Jr-reappointment- 1 alternate member - 3-year term to begin on January 12, 2026, and to expire on January 12, 2029

The Council supported this appointment unanimously.

CONSENT AGENDA *(This item was discussed at 8:12 p.m.)*

- a) Minutes January 20, 2026**
- b) Approval of Construction Overweight Permit for Pavement Milling and HMA Overlay State Project No. 27014.00**
- c) Town Abatement**
- d) Authorize the Town Treasurer to Waive Foreclosure on Certain Real Estate Tax Lien Mortgages**

Councilor Ecker moved, Councilor Wilson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.

Councilor Wilson moved, Councilor Ellis seconded, Motion to adjourn the meeting. The motion carried with nine (9) yeas.

The meeting adjourned at 8:14 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.GOV.



Frances M. Smith
Town Clerk

February 17, 2026
Date of Approval

Council Chair

Town of Brunswick, Maine

Consent Agenda

b)

Back up
materials

Town of Brunswick, Maine

OFFICE OF THE TOWN CLERK

SPECIAL AMUSEMENT MEMORANDUM

TO: Town Council
FROM: Town Clerk's Office
DATE: January 28, 2026
SUBJECT: New Special Amusement Request for Brunswick Golf Club

The Town Clerk's Office has received an application for a new special amusement license from the following applicant(s). Please consider this request for the Consent Agenda for the February 17, 2026 , council meeting.

LLC Name: Brunswick Golf Club

D/B/A: Brunswick Golf Club

Address: 165 River Rd

Applicant: Jeffrey F. Hersom

Special Amusement Request

Town of Brunswick
Town Clerk's Office

To: Chief Stewart

January 21, 2026

I ☒ approve / disapprove the recommendation of this new application for a new municipal Special Amusement License:

Business Name: Brunswick Golf Club
D/B/A: Brunswick Golf Club
Address: 165 River Rd

Reasons for Disapproval:

1. _____
2. _____
3. _____



Police Chief or Designee

Date: 01-27-2026



Special Amusement License Application

85 Union Street | Brunswick, Maine 04011 | Tel: (207) 725-6658 | Fax: (207) 725-6663

www.brunswickme.gov

☐ New License

☒ License Renewal

License Expiration: 12-25

Fee: \$200 (\$150 Permit Fee & \$50 Inspection/Application Fee.)

If more than 2 inspections are required, an additional \$25 per inspection.

Name & Contact Information	
Business Name:	Brunswick Golf Club
Corporation Name:	
Business Address:	165 River Rd. Brunswick, Me. 04011
Mailing Address:	165 River Rd. Brunswick, Me. 04011
Business Phone Number:	207-725-8224
Contact Person:	Mary Roma
Contact's Phone Number:	207-252-9067
Email Address:	mary@brunswickgolfclub.com
Applicant's Signature:	 Date: 1/13/26
▪ Town of Brunswick Codes Department must inspect the business location before a Special Amusement License will be granted. Please schedule a date and time with them after completing this application. (207) 725-6651 ▪ Special Amusement license will run concurrently with State of Maine Liquor Expiration date.	

See Questions on Page 2

Town Clerk Use Only:

☐ Inspection Passed Y / N Date: 1/22/26 ☐ Inspection Passed Y / N Date: _____

Date Received: JAN 20 2026 Paid Fee: \$ 200 Cash / Credit / Check # 8243

Mailed or Issued Date: _____

Clerk Notes: _____

The activities, locations, and times listed below need to be specific, as this is what the Town Council would approve.

1. Describe in detail the kind and nature of entertainment:

Live music - mostly outside - DJ's & guitarist
20-51

2. Describe in detail the room(s) or outdoor space to be used under this license:

on rare occ. may be in event room, other times outside
on the grass or on deck.

3. During what days and hours will your live entertainment occur?

Varies - mostly weekends 5p- 10p - latest

4. Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions?

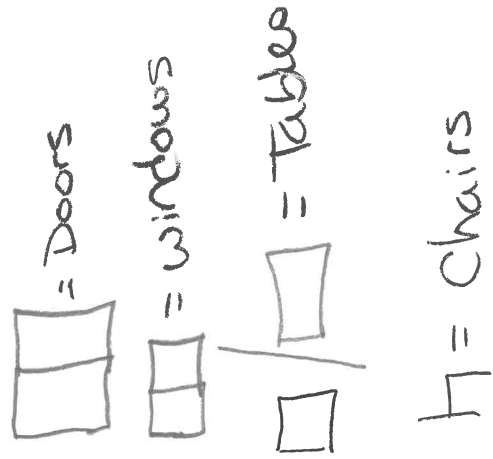
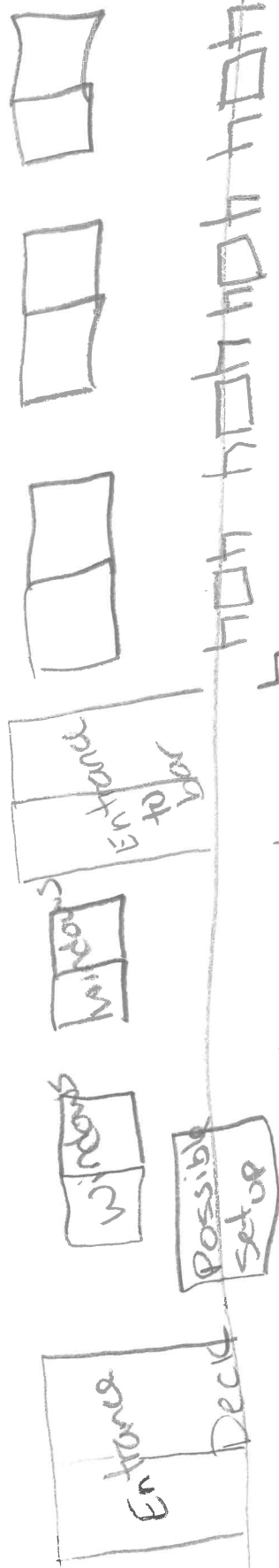
NO

Diagram

Please indicate where Special Amusement will take place within the property. Indicate where the front and emergency exits are located and where the bar is placed. Use a separate sheet if necessary.

See attached sheets

Outside



Windows

Event Room



Set up

Kitchen



Exit



O = tables
||| = windows



Back door

Box

Vibes



Exit

Exit

Town of Brunswick, Maine

Consent Agenda

c) - No Back Up
Material

Back up
materials